DEBATE

IN THE

HOUSE OF COMMONS,

ON THE 15TH APRIL, 1834,

ON

MR. ROEBUCK'S MOTION

FOR

"A SELECT COMMITTEE TO INQUIRE INTO THE MEANS OF REMEDYING THE EVILS WHICH EXIST IN THE FORM OF THE GOVERNMENTS NOW EXISTING IN UPPER AND LOWER CANADA."

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DEBATE, &c.

Mr. Roebuck—I rise, Sir, to move that a Select Committee, be appointed to inquire into the political condition of the Canadas; and my excuse (if excuse be needed) for pressing forward this motion at the present time, is the extreme emergency of the matter; the critical and extraordinary position of the colonies to which the motion relates; and, in order to induce the House to accede to my request for this Committee of Inquiry, it will be my business, in the observations with which I shall accompany my motion, to prove the following among other things:—

1st.—That the provinces are at this moment in a state nearly approaching to open revolt;—that Lower Canada, particularly, as far as words can go, is actually in a state of revolution;—the House of Assembly, their House of Commons, have formally seceded from all communication with the Executive, and also having expressly declared their intention to impeach the present Governor, Lord Aylmer. 2nd. I shall endeavour, also, to show that this disturbed state of these colonies is the result of a long series of continuous bad government; and that the actual outbreaking of the people at the present moment, springs immediately from the extremely rash and petulant behaviour of the present Secretary for the Colonies; who, unfortunately for this country, after having successfully fanned Ireland into a flame, has employed the same qualities to the same end in our transatlantic possessions. 3rd. My last object, after having pointed out the evil, will be to suggest the remedy, and to this end I shall endeavour to explain why I desire a Committee of Inquiry.

Before I enter upon this arduous undertaking, the House will, perhaps, permit me to allude very briefly (and I assure them that I do so with great reluctance) to the position in which I personally stand, as regards the present question. It may naturally be asked why I should peculiarly interest myself in this matter, and whether I can bring to the discussion any peculiar information? I will answer both questions at once. The knowledge that I have upon this matter is partly the result of personal experience. Many years spent in habits of great intimacy with the people of these colonies, have made me intimately acquainted with their history, their feelings, their character, and their desires. The things that I shall describe I have seen; and I now come forward as a witness in this case, and humbly, yet firmly, claim for my testimony that respect which this House is accustomed to pay to the evidence of all percipient witnesses. The same intercourse which has enabled me to speak of this people's affairs as one personally cognizant of them, has made me also feel a deep interest in their welfare: this may, perhaps, be sufficient to account for and to excuse my thus prominently standing forward in their defence. I shall soon shew, however, that, as a representative of the English people, the importance of this subject ought to claim my attention, even had I not those personal considerations to which I have alluded. Although in what I shall immediately advance, I shall speak as of my own knowledge, and on my own experience, I shall not fail, nevertheless, to corroborate my own testimony by that of others; and I do hope that the evidence I shall adduce, and the documents on which I shall rest my assertions, will gain for my observations the kind and attentive consideration of the House.

Without further preface I shall proceed to discuss the matter in hand. In order to make any one competent to decide upon the resolution now before the House, it is necessary to give some description (however briefly) of the governments to which it relates. I must here observe, however, that although the observations which I shall make apply to both provinces, the illustrations, in order to avoid confusion, will be almost exclusively drawn from the lower province. Every one tolerably acquainted with the history of our colonies, knows that the constitution, or form of government now enjoyed by the Canadas, was conferred on them by the 31st Geo. III., c. 31. By that Act, the province of Quebec was divided into Upper and Lower Canada, and, in imitation of the form existing in England, a triple power was created 1st of the Governor, who was supposed to be analogous to the King here; 2dly, the Legislative Council, supposed to be analogous to the House of Lords; and 3rdly, the House of Assembly, analogous to our own House of Commons. It is necessary that I should say a few words upon each of these three estates. The governor, be it remembered, is a person sent from England—is removable by the King—and while he, in Canada, is a portion of sovereignty, he is but the immediate servant of the Government here. He then, it is clear, bears little or no analogy to the King of England. He is an officer chosen by the executive, and responsible to the people of England. Next comes the Legislative Council. These councillors are appointed by the King, and for life. There is no landed aristocracy in Canada, and, certainly, the legislative council, even if we were to concede that such an aristocracy existed, cannot be said to represent it. They are usually old official persons appointed to the office of councillor as a reward for service, or for certain other purposes to which I shall immediately advert. Lastly, the House of Assemly does represent the people—at least in Lower Canada; there may be some doubts as to the completeness and purity of the representation in the upper province.

Such, then, is the Legislative body. The administrative, or executive, consists, first, of the

governor; and, secondly, of a council, called the executive council. Now, one of the grand causes of all the bad Government that has so long tormented these provinces, is the composition of this council and that of the legislative council. These bodies hitherto have been two in name, but one in fact—the persons composing the one being the majority in the other; so that the persons composing the executive council could, at any time, put a stop to all the proceedings of government, and forward to the utmost the sinister interests which they and their dependants wish to forward.

If the House feel at all desirous of understanding the political condition of these provinces, it is absolutely necessary for them to obtain a very definite conception of the character of this executive council and their dependants and connexions. As the governors sent from England go to the colonies only for a short period, and are also exceedingly ignorant of everything connected with the business they are about to undertake, it is necessary that there should be some persons always existing, ready and able to instruct, their ignorance—these persons are the executive council. They live always in the colony, and form the necessary link between succeeding governors. To persons thus serviceable, rewards are necessarily given, which rewards consist of various places, money or money's worth, paid out of the provincial funds. Besides, these people form a special society, and surround and hem in the governor, so that no one, not of their tribe or party, can reach him. They actually govern the country—dispose of all its places of profit and distinction—and not only rule, but insult the people. Being thus really independent of all control, their insolence, rapacity, and corruption know no bounds; and if at any time the governor, or even the home Government, does aught to offend their high mightinesses, they rebel, and treat with scorn and contumely the commands sent them from England.

While such is the nature and conduct of this petty and vulgar oligarchy, I beseech the House to consider the peculiar position of the people over whom they domineer. This people are in habits of daily, nay hourly, intercourse with the Republicans of the United States of America. They are accustomed to behold across the frontier, a great people, not more instructed, not more desirous of good government than themselves, self-governed—governed by thoroughly democratic institutions—and what is the result? A state of unexampled prosperity—quiet, rapid, and unceasing improvement—laws and institutions that continue in their action as regular as a piece of physical machinery. They see cheap government and yet perfect protection; they see the governing body having interests identical with the people, and possessed of their ever-advancing spirit of improvement, aiding all enterprise,—in fact, performing the true functions of a government, not contented with protecting to the uttermost, the property, person, and reputation of all the citizens, but assisting in all those great undertakings which are best forwarded by the combined efforts of a whole people. With such a sight before them, it is not wonderful that the Canadian people have imbibed the free spirit of America, and that they bear with impatience the insolence, the ignorance, the incapacity, and the vice of a nest of wretched officials, who, under the fostering domination of England, have constituted themselves an aristocracy, with all the vices of such a body without one of the redeeming qualities, which are supposed to lessen the mischiefs that are the natural attendants of all aristocracies. It is of a people thus high-spirited, pestered and stung to madness by this pestilent brood, that I am now about to speak.

Some years after the Constitution had been conferred upon them, and also after repeated solicitation, the two Provinces were permitted to provide for their own expenses, and consequently, to rule the expenditure of the Government. Those who had refused the request of the people to be allowed to provide for their own expenditure, well knew that the control of the people would be a very different thing from that of the Government of England. The one was near, deeply interested in saving every farthing; the other was distant, and, amid the many millions of their expenditure, was not likely to be very solicitous respecting the small sums comprising the outlay of Canada. Therefore, when the people did at length obtain the control they so long had desired, a war began between the official persons on the one side, and the people by their representatives on the other. The one party desirous of having the supervision of the people reduced to nothing; the other determined to maintain that supervision to the utmost.—It is curious to see the various forms, during the last twenty years, the desire of the official tribe to be freed from supervision has taken, and in how many various ways they have attempted to compass their end,—and in all of these, be it remembered, they have been regularly supported by the Government at home.

The House of Assembly, acting on the behalf of the people, have been driven to various devices to maintain their very necessary and legitimate control. Having the administrative body utterly opposed to them, and knowing that that administrative body could govern the determinations of one body of the legislature,—namely, the legislative council, and also the governor in his legislative capacity, it behoved them to be extremely wary and steadfast in all their proceedings. One great point was to ensure their being regularly convoked, and permitted, when called together, to interfere with the affairs of government. How was this to be accomplished? In England the House of Commons is necessarily convoked yearly to vote certain expenses, and to pass certain annual enactments: the executive has no funds at its disposal, and is utterly dependant on Parliament. It has been very properly the aim of the House of Assembly to approximate its own condition, and that of the executive of Canada, to this wholesome state.—To this end, as they have no Mutiny Bill to pass annually, and as their chief expenses are comprised in their Civil List, they have very wisely determined to pass the Estimates of the Civil List yearly.

It is quite astonishing to learn what an outcry this determination raised amid the official tribe. Disloyalty, disrespect to his Majesty, and every evil quality that could possibly be found for the occasion, were attributed to the House of Assembly. And what in reality did it all mean? Simply this;—the official tribe saw that by this means an annual supervision was ensured, and they were sorely vexed thereat.—What ought to have been the conduct of the Home Government on this matter? They ought at once to have acceded to the desires of the people—to have taken the Civil List yearly, and have aided the people to the utmost in maintaining that necessary supervision which they so ardently desired. Did the Government do this? No such thing—they waged war with the

people by three successive governors on this matter. The Duke of Richmond, Sir P. Maitland, Lord Dalhousie, all fought this mean battle for the official tribe of hirelings, who thus made a cat's-paw of his Majesty's Government; and at this moment the Right Honourable Secretary for the Colonies is willing, and endeavouring, to continue this mischievous and degrading warfare. To this there were added another source of contention. The people's representatives, still desirous of complete control over the expenditure, determined to vote their monies by items;—so much to this functionary —so much to that; a very wise precaution, and one almost universally adopted by the English House of Commons. As usual, the tribe of *employeés* set up a howl. This was destructive of the prerogative—making the King (always the King, about whom they care in reality as much as they do for the Emperor of China,) a cipher. This was dreadful, unbearable, republican, and cheap; the governors joined with the officials, and the Government at home joined with the governors; the whole business of the State was completely stopped, and confusion, and every description of ill feeling between the people and the provincial government, necessarily followed. And who, I beg to ask, was here in the wrong? Can we hesitate for a moment in declaring the conduct of the Assembly in the highest degree wise and circumspect, while that of the provincial government was corrupt and vicious—that of the home Government the very *acmè* of folly? As a specimen of the mode in which the governors sent from England have sought, under the direction of the Executive Council, to foster good-will towards this country and its dominion, I will state one or two instances of their dealings with the representatives of the people. The House will be able to appreciate, from these, the manner in which the present heated condition of the popular mind in these provinces has been brought about.

During the administration of Sir James Craig, certain members of the Assembly offended the governor by things said in the house, in their character of representatives. The governor dealt in a summary fashion with these disagreeable legislators; he arrested five of them, and put them into the common gaol at Quebec; and one, who was afterwards a judge, he confined a whole year. They were, eventually, turned out of prison, unable to learn what was their offence, or to obtain a trial. What, I ask, must have been the condition of the administration of justice—what the independence and uprightness of the Judges—in a country where such things were permitted? This was one class of acts; I will now mention another. For many years the representatives of the people had endeavoured to obtain from the executive an account of the monies in the possession of the receiver-general of the province. Now, I ask this House —I ask the Right Honourable Gentleman opposite—whether this demand ought not to have been immediately complied with? Whether the conduct of the executive in refusing such accounts; in evading the demands of the Assembly, were not in the highest degree censurable, and did evince a corrupt and vicious system of administration? This demand, wise, necessary, and important as it was, was steadily refused by the executive; and by none more steadily than that immaculate person, Lord Dalhousie. What was the result? The Assembly, after repeated refusals, evasions, and deceptions on the part of the executive, determined to lay on no mere taxes, and thus drive the governor to draw upon the receiver-general. The result but too truly verified their worst anticipations. The governor, thus compelled, and no longer able to shield the receiver-general, Sir John Caldwell, did draw upon him, and then it was discovered that this servant of the Crown had disposed of £100,000 of the people's money, and was a bankrupt. Was this bankrupt brought to account? Was he punished? No such thing. He still possesses the property acquired by the money of the people, and is, moreover, a legislative councillor, and has lately been active in abusing that very nation whom he had before so unmercifully robbed.

During the whole administration of Lord Dalhousie, the war between the executive and the representatives of the people was carried on with bitter animosity; and every device, legal and illegal, was attempted to obtain a revenue independent of the control of the House of Assembly. It happens that many sources of revenue exist, which are supposed not to be within the dominion of the House, although the people of Canada do, in reality, furnish that revenue. For example, certain dues are levied at the port of Quebec, under Acts of the Imperial Legislature; these are entirely withdrawn from the supervision of the house. Again, the estates of the Jesuits have become the property of the Crown; these also, are withdrawn from the supervision of the house; and lately an attempt has been made to acquire a revenue by the sale of waste lands; and all this to the end of escaping from the control of the people's representatives. Can we wonder that the people are irritated by this mode of proceeding? Can we wonder that they are exceedingly jealous of all attempts of this description? What would this House say, if they should perceive the Privy Council and the Crown endeavouring to find ways of taxing the people without their consent or control? I ask the House, and I appeal to the Right Honourable Secretary for the Colonies, whether we should not be justified in resisting every such attempt, and in punishing all who advised it?

I have already observed that the war between these two parties has manifested itself in various shapes—all these, however, it is impossible for me now to describe. All that I am now desirous of effecting is, to create a complete and vivid conception of the sort of feelings existing among the colonists. I want to make the house understand that this war, of many years, has embittered the whole public mind—that it has broadly divided the country into two hostile, nay, deadly hostile, sections—that on the one side a small band of persons in office, using, and abusing, the name of England, have fought the fight of corruption; while, on the other, the whole people, by their representatives have steadfastly insisted on their right to control all expense, and, in fact, to govern the country. I wish, I say, to make the House understand that for years this unhappy country has been in a state of trouble and combustion—a trouble and combustion, created and continued by this small band of official persons, who, unfortunately, by means of the Legislative Council, and by the assistance of the Home Government, have been able to keep in check the great body of the nation, with their representatives at their head. Chance, unfortunately, threw in the way of the unprincipled tribe of official persons, another means of dividing the people, and thereby of strengthening their own pernicious power. In Lower Canada an immense majority of the people are of French extraction; they speak the

French language, and are of the Catholic persuasion. Incessant have been the efforts of the party which I have so often characterized to make this difference of language and religion the means of discord and hatred among the people. In order to strengthen their own hands, they have endeavoured to create an English as opposed to the French party, and in private as well as in public life—in the legislature, ay, and even in the courts of justice they have endeavoured to introduce this cause of jarring discord, of vulgar, and therefore of bitter animosity. Here, in the discharge of a great duty, with a deep feeling of the responsibility under which I am acting, do I solemnly charge the executive for the last twenty years with disgracefully and most corruptly endeavouring to create and perpetuate national and religious hatred among a large body of his Majesty's subjects; and for their private and paltry purposes, of stirring up and maintaining, amongst those who ought to be brethren, something nearly approximating to the direful calamity of a civil war. I shall be glad to learn the mode in which any one will defend, or even extenuate, this disgraceful proceeding.

Such, Sir, then, was the state (which, indeed, I have been able but very imperfectly to describe) of the popular mind in Canada when the Right Honourable Gentleman opposite became Secretary for the Colonies. It did so happen, however, that Lord Ripon, during the last few months of his administration as Colonial Secretary, had begun to be sensible of the real condition of the colony, and had begun wisely to act in a way to conciliate the people. Hopes were thus raised among the Canadian people, that the evils under which they had so long suffered were about to be removed; and although they had much fault to find with every branch of their executive, from the highest to the lowest, they began to believe that, at length, the Government in England was really beginning to understand their condition, and to be possessed of a wish to relieve it. It was upon a people thus excited by long-continued oppression, and lately-created hope, that the Right Honourable Gentleman was about to exercise his control and guidance.

Now, before I begin to describe what he has done, let me ask what course any man, really cognizant of the condition of the people, and possessing the calm temper and sound knowledge which should distinguish a statesman, would have pursued in so peculiarly critical and delicate a position. I think, Sir, above all things, having become thoroughly possessed of the true condition of the people,—having learned their ways of feeling, their hopes, their wishes,—and having found how excited, and naturally excitable they were,—I say, above all things, he would have abstained fram all language that was likely to irritate or disgust them. Knowing that a people, imbued with democratic feelings, are not to be driven, but led to an object, he would, in all cases, have endeavoured to make

Persuasion do the work of fear.

Knowing that this people were in habits of daily intercourse with the United States, and naturally led to compare their own condition with that of their happy neighbours, he would, if desirous of maintaining the supremacy of England, have done nothing which should have led people to envy the position of the Americans, either as regards the more material matters of government, or even the deportment of their governors. Whatever might be the bearing of rulers in Europe, he would have been fully sensible that, in America, there must be no petulence, no passion, no threats, no blustering.—He would, therefore, have, afforded, in his own person, an example of calm decorum,—of sedate and benevolent consideration respecting the wishes and the feelings of the people. I fear, Sir, the conduct of the Right Honorable Secretary bears little resemblance to that which I have been describing. He has assumed a dictatorial tone and manner; he has arrogated to himself the character of a master, and has dealt with a jealous and high spirited people, as if they were willing to wait upon his nod, and bow down in abject submission before his supreme decrees; he has insulted the people's representatives;—he has threatened them with coercion;—he has thrust upon them his determination of maintaining monarchical dominion, and has insisted so fiercely upon maintaining the King's prerogatives untouched, that he has seriously endangered them all; and has really rendered it doubtful whether the power of England can be maintained even a very few years longer. I may be asked, Sir, for a proof of these assertions; the proof is at hand—the opinion of the people themselves, speaking through their representatives. Let no one say that the opinion expressed by the House of Assembly is not sufficient upon this point. It was the business of the Right Honorable Secretary to have conducted himself so as to win the favorable regards of the people over whom he governed. The fact, that so far from gaining their good regards, he has raised them in formal and openly declared hostility to himself, and the executive under him, is damning proof of his inefficiency for the task he has undertaken.

The House is, doubtless, by this time aware, that the House of Assembly in Lower Canada has formally seceded from all communication with the Executive; that they have passed a vote of determination to impeach Lord Aylmer, the Governor-General, acting under the commands of the Right Honorable Secretary; and that they have expunged from their journals the despatches of the Right Honorable Secretary, as being of a nature so insulting and derogatory to their own dignity and honour, as to be unfit to remain upon their records:—

That in the midst of these disorders and sufferings, this House and the people whom it represents, had always cherished the hope and expressed their faith that His Majesty's Government in England did not knowingly and wifully participate in the political immorality of its colonial agents and officers; and that it is with astonishment and grief that they have seen in the extract from the despatches of the Colonial Secretary, communicated to this House by the Governor in Chief during the present Session, that one at least of the Members of His Majesty's Government entertains towards them feelings of prejudice and animosity, and inclines to favour plans of oppression and revenge, ill adapted to change a system of abuses, the continuance of which would altogether discourage the people, extinguish in them the legitimate hope of happiness, which, as British subjects, they entertained, and would leave them only the hard alternative of submitting to an ignominious bondage, or of seeing those ties endangered which unite them to the Mother Country.

Such, Sir, is the language held by this body of representatives, and such I take to be sufficient proof, even of itself, of the extreme rashness and inconsiderateness of the Right Honourable Secretary. But it may be asked, what were the circumstances which led to this deplorable result? I will briefly state them; and, begging the House to bear in mind the excited state of the people, and their peculiar political and geo-

graphical position, I have little doubt that it will be immediately seen, that the course pursued was eminently qualified to lead to such a disastrous conclusion.

Before I mention the circumstances which, under the direction of the Right Honourable Secretary, have produced these results, I must allude to a circumstance which occurred the year before last, and which, though in no way attributable to the Right Honourable Secretary's Government, still served to exasperate the people, and to sharpen all their jealousies. During an election for the city of Montreal, a riot took place, and three unoffending Canadians, persons totally unconnected with any of the election proceedings, were shot by the military. Now, such a circumstance might produce little sensation in Ireland; but in any of the quiet and well-regulated communities of America, it was calculated to excite feelings of the deepest sorrow and alarm. The people generally are very nearly connected by relationship; they are all of a happy and comfortable condition; they are grave, sedate, and live a peculiarly quiet and well-regulated life. Such an event, therefore, carried regret, and spread consternation, through every part of the province. It is not now my intention to express any opinion as to the case in question,—that is, whether the officers and soldiers were or were not guilty of murder—but I am exceedingly desirous of calling the attention of the House to the events which succeeded this calamitous occurrence, and entreating them to observe how well calculated they were to disgust and excite the people. Certain of the officers commanding were deemed culprits by the great body of the people, and it was necessary to have them brought to trial. In that country the Attorney-General and Solicitor-General act as public prosecutors, and have a claim, an exclusive privilege of prosecuting all offences committed against the Crown. But in this case it was notorious that the law-officers were sent from Quebec to shield the officers—to use their legal skill in extricating them from the difficulty in which they were placed. Those persons who deemed the officers guilty sought to have an advocate to aid the prosecution besides the law-officers thus believed to be partial. This was refused; and it is now said by this disappointed people (with how much justice it is not for me to say) that the military officers were, by the favour of the law-officers, saved even from trial. The grand jury (which it is asserted was packed) ignored the bills: and then the government, in direct opposition to the feelings of the people, issued a general order praising the officers and the soldiers who had thus killed the unoffending passengers. The public mind was wrought into a flame by this proceeding, and the House of Assembly spent much time, last Session, in prosecuting a very minute investigation of the matter; and the publication of the evidence laid before them did not a little tend to heighten the exasperation of the people, and to sharpen the jealous feelings against the executive and the judiciary. While the public were thus in a state of fermentation from these various causes, the Right Honourable Secretary came into office. The first matter in which he has given the most bitter offence to the people of the province, is that relating to the address of the House of Assembly respecting the legislative council. Every person reflecting on the composition of this council, must, at once, admit that it is in the highest degree mischievous and absurd in its present constitution. For this there might be cited many authorities, and among others, the opinion of a Committee of this House, appointed to inquire into the state of the province. There is also another authority, who uses these words respecting the legislative council:—

How ill that council performed their duty, the papers before the House sufficiently prove: the members of the Legislative Council, on every occasion, enrolled themselves on the side of the Government, and opposed themselves to the people;—they neither repelled the people on one side, nor impelled the Executive on the other; but while they enabled the one to maintain a war against the other, they stood as a sort of mark between both, and served but to keep up a continued system of jarring and contention between the Government and the people. This Council, then, is the root of all the evils which have taken place in the administration of the Colonies for the last ten or fifteen years; and this is that Colonial institution which, above all others, wants alteration and revision.

These words, perhaps, the House may know, were spoken by the Right Hon. Secretary in 1828, while he was on this side of the House. But I will not press this opinion,—I certainly do not attach weight to it,—and I dare say the Right Hon. Secretary has seen reason on this occasion, as on many others, to retract the rash and careless expressions he has used. He must bear in mind, however, that the world out of doors are not always in a position so well to appreciate the worth of his opinions. The people, unfortunately, may suppose expressions to be the result of deep consideration, and to proceed from a desire to promote the great interests of the public, which are, in fact, but hasty talk, used for the purpose of disturbing an existing Ministry. The people, dazzled by his position and his name, would fancy that these, his opinions, were of worth, as resulting from a deep conviction of the mischievous effect of the institution in question, while he himself would hold them as nought, deeming them either the rash expressions of an inconsiderate youth, or the commonplaces of a ready partisan. With the Right Hon. Secretary, therefore, I am content to dismiss this his opinion, as not deserving regard: but, nevertheless, he must not be surprised if the world, then misled, should now charge him with tergiversation,—with advocating one set of opinions when out of place, and another when admitted to office. It did so happen, however, that the persons best able to form a correct judgment coincided in the opinion of the Right Hon. Secretary; they also saw that the Legislative Council was the bad and mischievous part of their Constitution, and seeing this, and acutely feeling its evil effects, the House of Assembly sought to effect some change in the composition of this mischievous body, and in so doing be it remembered, they but follow the suggestions of the Committee appointed by this House in 1828.

But here Sir, it may be objected by the Right Honourable Secretary, that there was no need to seek for any alteration in that body, as the Government had already, in compliance with the opinion of the Committee, essentially altered the composition of the legislative council, by promoting to it various persons resident in the colony. I, however, will anticipate this objection, by asserting that this change was one in name merely, and not for the better. The evils complained of, in the composition of the legislative assembly, were that, as now constituted, that body had interests diametrically opposed to the interests of the people: that neither by birth, by predilections, nor by property, were they connected with the people of the country;—and the object of the House of Assembly was to make them so. The

government it is true had promoted certain persons to the legislative council, but the determinations of that body, they well knew, would be precisely the same as before. But what they knew, the people also knew—and knowing, were disgusted; they saw that a trick was played upon them. These people are practical and sagacious—they are a downright and plain straightforward people—not to be duped by such a vulgar artifice. I will trouble the House with the opinion of the House of Assembly, as to the supposed amelioration of the Legislative Council:—

That the Legislative Council, as recomposed by the present Governor-in-Chief, must be considered as embodying the sentiments of the Colonial Executive Government, and from the moment it was recomposed, the two authorities seem to have bound and leagued themselves together for the purpose of proclaiming principles subversive of all harmony in the Province, and seek to govern and domineer according to the spirit of blind and national antipathy.

That this vicious system, which has been carefully maintained, has given to the Legislative Council a worse character of animosity to the country than it had at any former period; and is ... trary to the wishes of Parliament, as that, which in order to resist the wishes of the people for the Parliamentary Reform, should have poured into the House of Lords a number of men notorious for their factious and violent opposition to that great measure.

That the Legislative Council, representing merely the personal opinions of certain members of a body so powerfully accused at a recent period by the people of this Province, and so justly censured by the Report of the Committee of the House of Commons, is not an authority competent to demand alterations in the Constitutional Act of the 31st Geo. III., c. 34;—and that the said Act ought not be, and cannot be altered, except at such time and in such manner as may be wished by the people of this Province, whose sentiments this House is alone competent to represent; that no interference on the part of the British Legislature with the laws and constitution of this Province, which should not be founded on the wishes of the people, freely expressed either through this House, or in any other constitutional manner, could in any wise tend to arrange any of the difficulties which may exist in this Province, but on the contrary, would only aggravate them and prolong their continuance.

In accordance with the opinions expressed in this last resolution, the House of Assembly proposed to the Hon. Secretary, through the Governor, that, in order to learn what really were the wishes of the people, a body of persons should be called together, after having been elected by the people, in order simply to determine this single matter, namely—what alteration they desired in the Legislative Council? This plan was proposed:—1st, To learn distinctly the opinions of the people, it having been asserted by a certain party in the country, that the body of the people desired no change; 2d, To ensure a quiet and deliberate consideration of a very grave matter:—for, as the representatives, in this case, would be charged with one matter alone, and acting under a very serious responsibility, it was believed that they would be the more likely to give it a singular and complete attention. Now this body, thus proposed to be called together by some person or other, was unfortunately termed a "convention." The Right Hon. Secretary immediately called it a "national convention," and straightway there danced before his disturbed imagination the recollections of the French Revolution, and the disastrous year of 1793. Vergniaud Gensoné, Gaudet and Louvet, Robespierre, Danton, and the revolutionary leaders and deeds of that day, all rushed upon his mind; and, in an agony of terror and indignation, he penned the following pithy Despatch to Lord Aylmer, respecting this proposal of the House of Assembly:—

I have also laid before the King the Addresses of the House of Assembly. I cannot pass over this document without observation. The object of this Address is to pray His Majesty to sanction a national convention of the people of Canada, for the purpose of superseding the Legislative authorities, and taking into their consideration in which of two modes the constitution of Lower Canada shall be altogether destroyed: whether by the introduction of the elective principle, or by the entire abolition of the Legislative Council. On the mode proposed, His Majesty is willing to put no harsher construction than that of extreme inconsiderateness. To the object sought to be obtained, His Majesty can never be advised to assent, as deeming it inconsistent with the very existence of monarchical institutions. To every measure which may secure the independence, and raise the character of the Legislative Council, His Majesty will be most ready to assent. In 1828, a Committee of the House of Commons carefully investigated the grievances alleged by the inhabitants of the Canadas, and amongst them the constitution of the Legislative Council was a matter of serious deliberation. The Committee reported that one of the most important subjects to which their inquiries had been directed, was the state of the Legislative Council in both the Canadas, and the manner in which those Assemblies had answered the purposes for which they were instituted. The Committee strongly recommended that a more independent character should be given to those bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that might tend to connect more intimately that branch of the constitution with the interests of the colonies, would be attended with the greatest advantage.

With respect to the Judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, the Committee entertained no doubt that they had better not be involved in the political business of the House. An examination of the body at that period and the present, will sufficiently shew in what spirit His Majesty's Government have laboured to accomplish the wishes of Parliament. The House of Assembly state correctly that it has often been avowed that the people of Canada could see nothing in the institutions of neighbouring countries to which they should look with envy. I have yet to learn that His Majesty's subjects in Canada entertain such sentiments at present, or that they desire to copy in a monarchical government all the institutions of a republic, or to have the mockery of an executive absolutely dependant for its existence upon a popular body usurping the whole authority of the State. I am not prepared to advise His Majesty to recommend to Parliament so serious a step as the repeal of the Act of 1791, whereby the institutions of this country were conferred separately upon the Provinces of Upper and Lower Canada. Serious as are the difficulties by which your Lordship's administration is beset, they are yet not such as to induce me to despair of the practical working of the British Constitution; but should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissensions of the Colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the Charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the Mother Country, by a close adherence to the spirit of the British Constitution, and by preserving in their proper place, and within their due limits, the mutual rights and privileges of all classes of His Majesty's subjects.

I would now beg the House to weigh this matter, rather more carefully than the Right Honorable Secretary has done; and endeavour to learn how monarchy and monarchical institutions are to be destroyed, by the simple, and I think extremely proper method suggested by the House of Assembly.

It appears that the House of Commons, itself supposed to be a democratic body, proposes that alterations should be made in a particular portion of the Provincial Government; what alterations it did not, however, specify.—Well, then, in order to learn what those alterations should be, the House of Assembly proposes

that a body of persons should be elected by those most interested in the matter, and by those certainly best able to judge of the wants and wishes of the people,—namely, themselves, in order to suggest the requisite changes. What is there in this subversive of monarchy? It was not sought to make this body a Sovereign Legislative Assembly; it was not intended to supersede the King, Lords, and Commons, but it was intended to give the Imperial Legislature the best means of learning the wishes of the people, and their actual wants in the matter of government. This, I again assert, was a wise and considerate proceeding, and in no way deserving the rebuke and reproaches which the Right Hon. Secretary too rashly hazarded. But let us suppose, for a moment, that this plan was not a wise one. What shall we think of the tone and manner of the Despatch which condemned it? Had the Right Hon. Secretary considered for a moment, he must have been aware that the people of Canada were not copying revolutionary France, but quiet and well-governed America. He would have remembered that every day almost, in the United States, bodies are thus chosen to determine particular questions, and the people of Canada sought only to follow a plan which, on the opposite frontier, they saw pursued by the most sagacious and best governed people on the earth. Would he not, (if acting wisely and calmly,) even if he differed from the House of Assembly, have expressed, in very temperate language, his dissent, have stated quietly his reasons for dissent, and have pointed at some other, and what to him appeared a wiser plan? But he did none of these things; he at once, and without disguise, accuses a whole body of representatives, who had been acting in the solemn discharge of a sacred duty, with desiring to overthrow the constitution of their country. He accuses them of wishing to introduce republican measures, as if, by that epithet, he at once condemned the plan proposed: and then, without further ado, he violently threatens them with a second edition of his Irish Coercion Bill. It is idle to mince the matter. We know very well what that roundabout phrase was intended to signify; it meant threats—threats of changing their form of government—threats of taking away power from the popular branch of the legislature. And why was all this angry language used? Simply because the House of Assembly had proposed a mode of getting at the people's wishes and wants, which was distasteful to the Right Honourable Secretary.

Now, Sir, what was the answer of the House of Assembly to this rash and inconsiderate menace? Just what any one acquainted with the people would have expected—just what any high spirited body would have given; and for my part, had they given any other, they would have had my contempt, and not, as now, my sympathy:—

That this House, and the people it represents, do not wish or intend to convey any threat; but that relying as they do on the principles of law and justice, they are and ought to be politically strong enough not to be exposed to receive insult from any man whomsoever, or bound to suffer it in silence; that the style of the said extracts from the despatches of the Colonial Secretary, as communicated to this house, is insulting and inconsiderate to such a degree, that no legally constituted body, although its functions were infinitely subordinate to those of legislation, could or ought to tolerate them; that no similar example can be found even in the despatches of those of his predecessors in office, least favourable to the rights of the colonies; that the tenor of the said despatches is incompatible with the rights and privileges of this house, which ought not to be called in question or defined by the Colonial Secretary, but which, as occasion may require, will be successively promulgated and enforced by this House.

That with regard to the following expressions in one of the said despatches, "should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissension of the colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament, such modifications of the charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the Mother Country by a close adherence to the spirit of the British Constitution, and by preserving in their proper place, and within their due limits, the mutual rights and privileges of all classes of His Majesty's subjects;" if they are to be understood as containing a threat to introduce into the constitution any other modifications than such as are asked for by the majority of the people of this province, whose sentiments cannot be legitimately expressed by any other authority than its representatives, this house would esteem itself wanting in candour to the people of England, if it hesitated to call their attention to the fact, that in less than twenty years the population of the United States of America will be as much greater than that of Great Britain, as that of British America will be greater than that of the former English colonies, when the latter deemed that the time was come to decide that the inappreciable advantage of governing themselves, instead of being governed, ought to engage them to repudiate a system of colonial government, which was, generally speaking, much better than that of British America now is.

But, says the Right Honourable Secretary, they had a republican intent in view; they desired to destroy the monarchical character of the Constitution, by proposing to make the legislative council elective by the people. To make it, in fact, similar to those republican senates which are to be found in the constitutions of the United States. Let us learn what is the worth of all this outcry.

I would observe, however, for myself, by way of preliminary remark, that I do not advocate an elective council; a double chamber appears to me a clumsy contrivance; a mode of increasing the defects always attendant on legislative bodies, by multiplying the number of the persons composing it. The council, in my eyes, is a nuisance; and my way of getting rid of a nuisance is, simply, to abate it—in other words, to clear it away entirely. I would utterly abolish the legislative council, and set up nothing in its stead, leaving the government composed of the governor and the House of Assembly. It appears, however, that certain persons proposed to have an elective council; and, hereupon, the fright arises respecting monarchy. Let me ask the Right Honourable Secretary if monarchy is supposed to be of such a nature as necessarily to entail a nuisance on the people? Is a badly constituted second branch of the legislature necessary to the maintenance of monarchy?—because, if it be so, I will meet the Right Honourable Secretary at once, and declare that the more rapidly the one and the other are gotten rid of, the better. If we cannot maintain our dominion over our colonies without also maintaining a scourge like this council, our dominion is a curse, and, if the people be wise, they will cast us and the legislative council off at the same time. But, Sir, there is, I assert, no such necessity. I assume that the Government of England has no intentions hostile to the interests of the people of the colony,—I assume, also, that the House of Assembly will know, and will endeavour to attain, what is

most conducive to the welfare of their constituents; therefore, I say, it follows necessarily, that the wishes of the English Government and those of the House of Assembly will be identical—that, to bolster up a good dominon, such a mischievous institution as the legislative council is utterly unnecessary—that it is useful only to bad purposes, and an incumbrance even when it acts most wisely. Does any one believe that our dominion over the Canadas is maintained by some score of mischief-making old men, collected together and called a legislative council? The governor is not strengthened by them; he would not be weaker, in reality, were they abolished, tomorrow. How, then, I should like to know, is this body necessary to the maintenance of monarchy? But, it may be said, allow two bodies of the legislature to be chosen by the people, and you make the people paramount. I ask, in answer to this, do you desire things different from what the people desire? If you do, you seek to establish bad government—if you do, you make bad government and monarchy in this case identical. I, having a better opinion of the intentions of the English Government, suppose it to wish what the people wish; and, so wishing, that it would act in harmony with the people's representatives, whether sitting in two chambers or one. Therefore, I say, this supposed proposal of an elective legislative council is no way opposed to monarchical institutions, and that it only seeks to establish a good for a pernicious institution. The Right Honourable Secretary, however, was not content with thus declaring war against the Assembly generally; he took care to quarrel with them in a matter peculiarly relating to their own privileges. The House of Assembly is fond of imitating the proceedings of this House; and in order to ensure the purity and independence of the members, it was determined to take a precaution which this House has established. In the year 1680 this House passed the following Resolution:—

That no member of this House shall accept of any office or place of profit from the Crown without the leave of this House, or of any promise of any such office or place of profit, during such time as he shall continue a Member of this House.

Resolved—That all offenders herein shall be expelled this House.

The House of Assembly, in imitation of this, resolved that all members accepting place should vacate their seats, thereby making their constitution in this particular similar to our own. Some time since, M. Mondelet, being a member, did accept of office, and the house declared that he thereby vacated his seat, and called upon the Governor to issue a new writ for the county of Montreal. The governor refused, and reports his refusal to the Right Honourable Secretary, who therefore, sends him the following despatch:—

I am, in the first place, to signify to you my entire approbation of your Lordship's conduct in declining to affix your name to the new writ for the election of a member for the county of Montreal, in the room of M. Mondelet, whose seat had been declared vacant by a vote of the House of Assembly. Were I disposed to qualify, in any measure, the approbation, it would be to express my regret that an extreme, though not unnatural degree of caution, should have led you to acquaint the House, that you had referred the matter to the consideration of the Secretary of State,—and that sanctioned by the opinions and advice of those whom you had very properly consulted, you should not have at once taken upon yourself to announce the decision which your own knowledge of the British Constitution had led you so correctly to form. It is unnecessary for me to comment upon the tone and language adopted by the House of Assembly, in which they presume to dictate to the King's representative, the occasion and the period at which, in their opinion, he ought to exercise the royal prerogative of dissolution, and hold forth the menace of ceasing to communicate with him, until he shall have made reparation for a breach of their rights and privileges. My present purpose is to express the sentiments of the King's Government as to the assumption of the House of Assembly of rights and privileges, wholly repugnant to the practice and principle of Parliament, and incompatible with the maintenance of the British Constitution.—Such an assumption I have no hesitation in declaring the claim on the part of the Assembly, to vacate the seat of M. Mondelet, in pursuance of a forced construction of a resolution to their own house, notwithstanding the surprise which they express, that your Excellency should not have known that your signature to a writ of election was simply and purely a Ministerial act.

That your Lordship would not, except upon weighty considerations, desire to limit the authority of the House of Assembly over its own members, is sufficiently apparent, from your not having hesitated to sign the warrant for a new writ upon the expulsion of Mr. Christie, a proceeding upon the merits of which I am not called upon, and feel no desire to express any opinion. Assuming that the powers of the House of Assembly are in all respects not only analogous, but equal to those of the British House of Commons, I deem it not only difficult, but unsafe to attempt to prescribe the bounds within which such a body should exercise the right of restraining and punishing their own members, and to the discretion of the House of Commons it has been well and wisely left by the practice of the Constitution to decide upon the degrees of criminality in a member which should call for the highest degree of punishment in their power to inflict, the disgrace of expulsion as unworthy to belong to the body. But as the prudence of the House of Commons has rarely, if ever, permitted them to carry to a faulty extreme this power, thus wisely left indefinite—so their knowledge of the British Constitution, and of what was due to the privileges of the other branches of the Legislature, has preserved them from the fatal error of arrogating to themselves the monstrous right of giving to their resolutions the force of the law.

The House of Commons undoubtedly possesses, and exercises every day, the right of interpreting and expounding, by resolutions of its own, the laws which regulate the rights of candidates and electors, in certain cases, and according to certain forms, which themselves are regulated not by resolution, but by Act of Parliament; but it neither possesses, nor has ever claimed to possess, any right, authority, or power, without the consent of the Crown and the House of Peers, to make laws relating either to the qualification or disqualification of electors or candidates, or rather to effect their object by resolutions only. Examples are numerous, and of recent date, in which restrictions, analogous to those sought for by the House of Assembly, have been imposed by the authority of Parliament, but they have always been by Bill, and have never been sought to be obtained by resolutions of the House of Commons. That so extravagant an assumption should be made, by a body like the House of Commons, well acquainted with its own rights, and equally acquainted with the rights of others, is not to be contemplated; but I believe I am warranted in saying, that if the Speaker, in the exercise of his ministerial capacity, should be called upon to issue a warrant for a new election, in consequence of a Member being unseated by an illegal resolution, the duty would devolve upon the Lord Chancellor to take notice of the cause of the vacancy, as recited in the warrant, and on the ground of illegality, to refuse to affix the Great Seal to the new writ, as your Lordship has in this case, very properly declined to give your sanction to the issuing of a warrant. The House of Assembly indeed appear, from the course which they have adopted on former occasions, to have considered the right which they claimed to be at least doubtful, and although I have assumed, throughout the despatch, that the case of M. Mondelet fell strictly within the terms of their resolution, I cannot but say that the instance, so far as I recollect the case, from the documents furnished me by your Lordship, appears to have been most unfortunately selected for the first experiment of their right.

Your Lordship will understand me as separating altogether the justice of the general principle, that persons

accepting office of emoluments under the Crown, should be subjected to the judgment of their constituents, from the claim set up by the Assembly to effect this object by their own mere resolution. And while I am happy to express my complete approbation of your Lordship's refusal to sanction a claim so subversive of the balance of the Constitution, and ultimately so dangerous to the liberty of the subject, I shall defer, until a future occasion, the expression of my opinion, as to the propriety of assenting to any Act which may be passed by the Legislature of Lower Canada, for carrying into effect the object of subjecting members, accepting office under the Crown, to a new election.

It is quite evident that the Right Honorable Secretary was egregiously in error, when he asserted that the House of Commons never arrogated to itself this power. I have quoted the instance, and this proof of his own fallibility will, I hope, lead him to judge of others in future with something more of mildness. The tone of this despatch, like the one I have already read, is in the highest degree unworthy of any one claiming the character of a Statesman. This sneering comparison of the knowledge and prudence of the House of Commons and of the House of Assembly was more fitted for the flippant critique of a reviewer, than the grave document of a responsible officer; and this comparison, too, is most in favour of a body, who passed, *nemine contradicente*, the resolution I above quoted—who expelled Wilkes—and who, twelve years afterwards, expunged the record of that expulsion from their Journals. Surely, surely, the Right Honourable Secretary must study a little more carefully the history of his country, and learn to be less hasty and positive in assertion, when he finds that he has thus grossly erred. But what says the Assembly to this? [Here the Honourable Member read the Resolution passed by the House of Assembly.] And now, Sir, I ask, amid all this confusion, what is to be done? The Right Honourable Secretary has refused the plan proposed by the House of Assembly, and by his proceedings, generally, he and his officer, the governor, have put the country into a flame. A revolution—(I will not hide it from the House)—is at hand; and here comes the question,—what ought this House to do? Is it not, I ask, high time that we should carefully investigate the matter, and afford the people some means of redress,—the executive some means of exculpation? Is it not the very height of madness to allow the confusion to continue?

Without inquiring whether the house is inclined to agree with the opinions which I have expressed respecting the conduct of the Home and Colonial Governments, I think, then, I have made out a sufficient case for the House to grant me the Committee which I seek. I have shewn, beyond all doubt, that, whether wisely or unwisely, I shall not now ask, the provinces are in a state nearly approaching revolution. I have explained that the cause of this great excitement was a belief existing in the minds of the people of the colonies, that their government is a bad one:—I have shewn how necessarily they must be led to make comparisons between their own condition, and the happy state of the American republic: and that, therefore, it is highly necessary, if we desire to retain a peaceable dominion, that we should give the colonists every opportunity of expressing their complaints, and of seeking redress for their supposed grievances, through the ready intervention of the Imperial Legislature. On these grounds I say, Sir, if we be governed by the dictates of a sound and benevolent policy, we shall unhesitatingly grant the Committee which I ask for, and allow the people to bring their complaints before us in a direct and straightforward manner. I hope, therefore, whatever else the Right Honourable Secretary may say upon this occasion, he will not oppose the Resolution with which I intend to conclude.

Before closing the observations which I have deemed it my duty to make, I would solemnly appeal to the prudence of the Right Honourable Gentleman, whose opinions will, I know, guide the determination of this House. I would beseech him to pause and reflect upon the consequences that will follow any rash declaration of hostility; and would earnestly entreat of him to listen to the dictates rather of a calm sane policy, than the rash impulses of an impetuous temper. Let him recollect that the great Republic of America with her swarming citizens, adventurous, wary, and sagacious, is the close neighbour of our Canadian subjects. That 13,000,000 of enthusiastic Republicans will watch with intense interest, and with selfish views, any dispute that takes place between the colonies and the mother country. Let him, also, be certain, that if any rupture take place between us, the colonists will ask, and will indubitably receive, assistance from their all-powerful neighbour; and on what terms will that assistance be granted? But on one only; that the Canadas become part of the great federal Republic. And when this event shall take place, who is there, on surveying the vast possessions of this already but too formidable power, but will tremble for the fate of England; from the North Pole to the Sea of Mexico, from the Atlantic to the Pacific, will her gigantic territories extend. With a coast unequalled in the whole habitable globe—with wise and beneficent institutions—with a well-instructed and sagacious people—where shall be fixed the limits of her power—where found a check to her overwhelming force? The fleets of England will dwindle into insignificance; her naval supremacy will shrink into obedient servitude to her transatlantic offspring. The day is not far distant which will see this prophecy fulfilled, if we rashly drive into rebellion the provinces of Canada. If we yield to their wishes, on the other hand, we may bind them to us by the gentle but firm bands of friendship—we may foster them by time into an opposing force to the giant strength of America, and may erect, in the more northern territories of that happy continent, a rival to the United States, in force, in commerce, and in happiness. Gentle treatment, wise conciliation, will effect this; any rash and impetuous contempt of their desires will revive the disastrous days of 1774, and the colonies now, as then, will, with arms in their hands, at once and for ever proclaim themselves independent of our dominion. Woe to that Minister who leads us to this result. Sir, I beg leave to move, "That a Select Committee be appointed to inquire into the means of remedying the evils which exist in the form of the governments now existing in Upper and Lower Canada."

Mr. Secretary STANLEY.—I must, Sir, before I proceed further, offer my thanks to the Hon. and Learned Gentleman who has just sat down;—first, for his advice to me on this important question, and, next, for having given me an opportunity, which otherwise I should not have obtained, of bringing under the consideration of the House, not the constitution, but the present state of the Province of Lower Canada. I know not whether the distinction has been intentional on the part of the Honourable Gentleman, between the form in which he announced his motion, and the form in which it has been read from the Chair; but the House will see at

ence that the difference is not immaterial between a motion which goes to enquire into the evils existing in the present system of the constitution of a country, and those existing in the state of that country under its constitution. I confess, that having listened to the Hon. Gentleman with great attention, it was with no small difficulty that I heard him through the complication of dates, and times, and facts, and places, which, to any one who had ever inquired into the proceedings of the two Provinces, and the circumstances of the case, would appear almost unintelligible. I beg the House, in the first place, to consider this material point,—that whereas the Hon. and Learned Gentleman calls on this House to enter into an inquiry regarding the constitution and state of the two Provinces —the whole of his facts—the whole of his statements—the whole of his allegations, with hardly a single exception—refer to one Province; he omits to tell the House, that in the other, there is between the Governor and the Legislative Council and the House of Assembly not one single point of difference; that perfect cordiality and uniform harmony prevails between the three branches of the constitution established in that province, notwithstanding the sedulous efforts that have been made to disturb them.

It is not long since that a gentleman of the name of Mackenzie—a name familiar to many in this House—came over to this country to complain of various grievances existing in the province of Upper Canada. Those grievances were inquired into with care, with zeal, and with an anxiety to do equal and impartial justice, which, on every occasion of circumstances connected with this province, characterized the proceedings of my Noble Friend who preceded me in office. He then stated the grounds upon which he wished to proceed, and he called on the legislature of that province to take the most effectual mode of meeting and remedying such grievances as might, on inquiry, be found to exist. What was the answer of the House of Assembly of Upper Canada, (a body with whose independence, and with whose free action, I presume, the Honourable and Learned Gentlemen, himself the advocate of freedom, and desirous to extend popular institutions to their full limit, will not be disposed to quarrel)? I shall trouble the House with it, if, in the multiplicity of papers I have before me, I can lay my hand on it. My Noble Friend, in a despatch on this question, observed, that Mr. Mackenzie had concluded his paper, containing a statement of grievances, by predicting bloodshed and civil war, and a dissolution of the connexion between Upper Canada and this kingdom, and might well suppose that such a prospect would be regarded by his Majesty's Government with a degree of concern to which it would be impossible to give adequate expression; but against glowing prophecies of this kind, every man conversant with public business has learned to fortify his mind, viewing them always as the assurances of those who wish to obtain concessions, for granting which they have advanced no adequate reasons. My Noble Friend said that he would not adopt the injurious opinions which Mr. Mackenzie possessed of the people of Upper Canada; he would reject the supposition that they would violate their sworn fidelity to their Monarch, and desolate their country with bloodshed, because his Majesty deferred rather to the opinions of his faithful Commons in Parliament assembled, than to the clamour of discontented persons. The House of Assembly answered as follows:—

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, return our thanks for your Excellency's message of the 15th day of January last, transmitting a despatch of the Right Honourable the Secretary of State for the Colonies, in answer to certain letters and documents addressed to his Lordship for the purpose of proving that the people of this happy and prosperous Colony are oppressed and burdened with grievances, and have become so discontented that there is danger of revolt and bloodshed, unless these alleged grievances are removed and redressed. We most readily concede that the Noble Secretary of State was actuated by the best motives in framing the despatch in question, but we cannot refrain from expressing our great regret that it did not occur to his Lordship that allegations thus deeply affecting the character of His Majesty's subjects of Upper Canada, rested on no better testimony than that of an individual who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present Parliament. If this fact had occurred to his Lordship, it is reasonable to suppose that he would not have felt himself at liberty to recognise the author of this additional calumny on the people of this Province, as the agent, or as speaking the sentiments of any portion of the loyal inhabitants of the Province of Upper Canada, and would, therefore, have considered it utterly unnecessary to enter into so elaborate an examination or refutation of any thing advanced by him. The House of Assembly are unwilling to occupy your Excellency's time or attention by commenting on the details of the Despatch, or on the different matters referred to in it, as constituting grounds of complaint on the part of a few of the people of this Province; they will merely remark, that the remedy for any ills alleged to exist is placed in the hands, and is within the constitutional power of the Legislature of the colony; and the Noble Secretary of State does the people but justice in believing that there are no people on earth who are less likely to yield to the unmanly weakness of despairing of the public good, and of betraying their most sacred duties to a pusillanimous spirit. Acting upon principles and feelings diametrically opposite to those imputed to them, we are confident that they will take care to exercise their rights, as freemen and British subjects, in such a manner as will ensure the election of representatives who will maintain our excellent constitution, guard our rights and with the concurrence of the other branches of the Legislature, adopt such measures as may appear necessary for removing any just ground of complaint.

This is the Address of the House of Assembly of Upper Canada, and this is the mode in which that body speak of that constitution, and of that state of things, which the Hon. and Learned Gentlemen is villifying and traducing:—this is the manner in which they speak of the state of that Province, which he tells you is about to be desolated by bloodshed. And this is the language of a House of Assembly, elected freely by the people of Upper Canada, the right of election being, for counties, in the hands of forty-shilling freeholders; and for towns, in the hands of those possessing a house of the value of five pounds, or renting one to the value of ten pounds; and this, therefore, is the manner in which the people of Upper Canada, through their representatives, express their opinion of the state of the constitution under which they have lived, and of the happiness which they have enjoyed under it. The Committee of this House, which sat in 1828, to inquire into the civil government of Canada,—a proceeding which, however unintelligible the fact may be, the Hon. and Learned Gentleman, in his review of past circumstances, from the year 1810, has utterly passed by.

Mr. ROEBUCK.—I did notice it.

Mr. Secretary STANLEY.—The Honourable Gentleman will pardon me then; but the allusion to it was so slight, that I was not aware he had mentioned it. That Committee most wisely laid down the general rule, that the interference

of Parliament with those colonies having independent legislative assemblies of their own, should be limited to those points, within which the intervention of Parliament was justified by such a case of extreme necessity, as would compel a deviation from the ordinary rule of proceeding. I embrace and adopt that opinion, and I confess that I was surprised the Honourable and Learned Gentleman should, when he had before him this declaration on the part of two branches of the legislature of Upper Canada,—when he saw the people, possessing a constitution in which the representative branch is as freely chosen as in any country on the globe, enjoying freer institutions, and subjected to lighter taxation than any people living on the face of the earth,—a fact which I will substantiate,—I say, when he saw this people declaring their full and entire satisfaction with the constitution of their government, and the state of things under which they existed,—and when he knew, that if there was dissatisfaction in the province, the general election which will take place this very year, would give them an opportunity of signifying that feeling, by making a different return to the House of Assembly,—with these facts before him, I must, taking into consideration the whole of his reasons, and the whole of the facts, or rather the allegations which he has adduced respecting the province of Lower Canada, and bearing in mind that he has omitted all notice of the perplexing embarrassments and difficulties subsisting between the two provinces, and rendering the conduct of their affairs so arduous,—I say, I must confess my astonishment at hearing the Honourable and Learned Gentleman call upon the House for an inquiry into the practical working of the constitutions of the two Canadas. The people of Upper Canada,as well by their representatives, as by their Legislative Council, have expressed their entire and unqualified approbation of the constitution under which they live, and their full conviction of the benefits which they enjoy under it.

I admit that the case of Lower Canada is widely different. In following, however, the Honourable and Learned Gentleman as far as I can through the course of events which he has described,—and which, he will allow me to say, he has greatly misrepresented,—I shall endeavour to trespass on the time of the House for as short a period as I possibly can,consistently with the multiplicity of questions which he has brought under the consideration of the House, in quoting those resolutions which he has noticed, but which he has carefully abstained from reading throughout,—an omission, the prudence of which on his part, I do not dispute. In one of the provinces to which he referred, the constitution is not made a subject of complaint by any party; and, in the other it is only by a party to whose allegations I will presently call the attention of the House. The first point to which the Honourable Member referred, was the constitution of the Executive,—and the next, of the Legislative Council. In regard to the former it may perhaps be necessary for me to inform the House that the executive council is a body acting in the nature of the Privy Council in this country,—advising the governor, but not responsible to him, and forming a council against whose opinion, as well as with it, he may act,—and subject also to the control of the Treasury here, as auditing and passing the accounts of the province, so far as the jurisdiction of the Treasury extends. But the Honourable and Learned Gentleman says, that this executive council is identical with the Legislative Council.

Mr. Roebuck.—That it has been so.

Mr. Secretary Stanley.—Oh! heretofore it has been so, the Honorable and Learned Gentleman says,—and therein consists the fallacy which runs throughout his speech. He tells us what has been—what prevailed in the year 1810; he refers to an arbitrary act of Sir James Craig in that year, and mentions various occurrences in different years, down to 1824. Now, the Committee of the House of Commons sat in 1828, and reported on the very abuses to which he refers; and there is not one abuse pointed out by that Committee, with regard to which I am not prepared to shew that every step has been taken by the Government, in their power, to meet and remedy every cause of complaint and grievance. This I am fully ready to prove, and will establish to be, the case,—for the Honorable and learned Gentleman shall have inquiry into this subject.

I propose, in some degree, to vary the motion which he has submitted. The Committee for which I shall move, shall be limited in the object of its labours, because I admit that the Province is in a state which demands inquiry. I propose that inquiry, because the Government is on its trial now. I say, both the Government here, and the Government in Canada, are on their trial now. To the personal question regarding myself, I shall speak hereafter. I know that it is impossible to enter here into the multiplicity of details which will be necessary for the full investigation of the subject; the patience of the House would be wearied out by the attempt:—but I invite—nay, more, I demand—inquiry. I demand that these points charged against the Government shall be substantiated or refuted,—I demand that we should have that strict inquiry which a majority of this House will, I am assured, grant; and I pledge myself to point out, that the whole system of the Government from the year 1828, down to the present period, has been a system of perpetual conciliation and concession, met on the part of the House of Assembly of Lower Canada by further demands and extortionate requisitions. I return, however, to the subject of the executive council. That body has been—for it is not said to be now—identical with the legislative council; and by combining the functions of the two, it has swayed the affairs of the whole province, taken the governor into its hands, and rendered the legislature a mere absurdity; in short, that it has controlled and fettered the free exercise of the constitution, and centered in a small body of placemen the whole government of the province. Such is the statement of the Honourable and Learned Gentleman. At the present time there are thirty-two members of the legislative council of Upper Canada; how many of them does the House think are members of the executive council; Six, and six only; and of these six, not one has been appointed since the year 1828, when the Committee pointed out the expediency of more distinctly separating the different departments of the state. Of the legislative council, six only have seats in the executive. These are facts to which I demand the attention of the House, and which I shall bring before the Committee hereafter. The Honourable and Learned Gentleman says that one of the recommendations of the Committee of 1828 referred to the legislative council, the conditions of which was one of the evils which mainly impeded the prosperity, and mainly caused the discontent of the province. He is kind enough to tell me that I at that time hazarded some rash and intemperate expressions—that I have since seen the folly of them, and I am about to

recede from them; and he gives me a fair opportunity of retracting. I thank him for the courtesy, but I shall not profit by his offer. On the contrary, I repeat my expression in the terms and language of the Committee of 1828, that constituted as the legislative council then was, dependant as it then was on the Crown, its condition was in reality a grievance and abuse in the constitutional system of government established in Canada. I am aware that the reading of extracts and papers is not, on such occasions as the present, a very popular proceeding; but if I feel it necessary to detain the House longer than I should otherwise be willing to do, in order to strengthen by the evidence of documents the statements which I have advanced—evidence in which there can be no fallicy and no mistake—I trust I shall be pardoned for so doing.

I have before me the Report of the Select Committee of 1828 on the Civil Government of Canada. The House is perhaps aware that in that year petitions were received from various parts of that province, from 87,000 inhabitants of Canadian extraction, and from 10,000 of British extraction. I regret that it is my duty to point out the great difficulty and embarrassment arising out of the distinction I here alluded to; the Honourable and Learned Gentleman himself must be aware that it constitutes one of the great sources of difficulty in the conduct of the affairs of that province—87,000 French Canadians dwelling within the Seigniories, and under French law, and 10,000 British sent a petition of grievances to this House, which they intrusted to three gentlemen, Mr. Neilson, Mr. Cuvillier, and Mr. Viger. It is rather a remarkable fact, that on the occasion when the resolutions that have been mentioned were proposed, it was Mr. Neilson, with Mr. Cuvillier, who moved an amendment on them, expressive of satisfaction at the course which the Government had taken, and calling on the House, instead of entering into vexatious and irritating topics, to adopt the more sound and statesmanlike course of co-operating with the Government for the redress of real and practical grievances. I will now refer to what was said by Mr. Neilson in regard to the constitution of the legislative council. The resolutions declared that he—naming him—expressly pointed out that an elective council was the only mode by which the evils existing in Lower Canada could be remedied.—Mr. Neilson's evidence is to this effect:—

There are two modes in which the composition of the legislative council might be bettered—the one, which I believe the majority of the people in Lower Canada have in view, is by the exercise of the prerogative appointing men who are independent of the executive, and, in fact, who are able to live by their own means. That has appeared to us the most consistent with the constitution under which we live. If that were found to be impracticable, the other mode would be, to make the Legislative Council elective by electors of a higher qualification, and fixing a qualification in property for the persons that might sit in council. I should conceive that the latter mode would be safe enough for all the parties; still it seems to be a deviation from the constitution under which we live.

You conceive, then, that the fault of the Legislative Council is not the original constitution of the body; but the manner in which the choice of councillors has been exercised?—Certainly.

When you say that those alterations would improve the constitution of the Legislative Council, do you use the word "improve" in this sense, that they would constitute a body which would agree with the lower house in their views, instead of agreeing with the governor, as it now does?—I should suppose that it would be compelled to agree with neither one nor the other. At present we suppose that it is absolutely compelled to agree with the governor. Then it would be an independent body, keeping the balance between the two, and give a certain stability to the existing laws and institutions.

The witness then continues to say,—

It was never imagined, by us at least, that the Legislative Council was to be otherwise than a body, originating, in some measure, from the Crown; and recommends that a majority of the council should not consist of persons dependant on the Crown. Mr. Cuvillier's evidence is still stronger; he says that the Judges ought even to be excluded. He expressed his opinion, that persons holding office under Government should form by far the least portion of the council, so as to have a majority of independent men: and was then asked,—

Would you consider that a greater security would be effected in that way, than by making the Legislative Council elective, and the members holding their seats for life?—With regard to that, I would not wish the Legislative Council to be appointed.

Will you state your objections to making the Legislative Council elective?—I think it would make that body rather dependant upon the people; and I should like to see them independent of the people and of the Crown.

Have not the inhabitants of Lower Canada petitioned the Houses of Parliament to make certain alterations in their constitution?—I believe not; on the contrary, they pray that no change whatever shall take place.

Generally speaking, do you not consider that the inhabitants of Lower Canada attribute the disorders and discontents that have taken place, not to the constitution itself, but to the manner in which that constitution has been administered?—Certainly; there is no doubt but that the form of government under which they now live, is admirably well calculated to ensure their happiness, if it is properly administered.

This is not the Report of the Committee, but the evidence of two out of three of the delegates who appeared before the Committee, and stated the views of the party which is predominant in the House of Assembly, and representing the numerical mass of the people of Lower Canada. Let me now point out what was the recommendation of the Committee; it was to this effect:—

Your Committee strongly recommend that a more independent character should be given to these bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the colonies, would be attended with the greatest advantages. With respect to the Judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, your Committee entertain no doubt that they had better not be involved in the political business of the House.

I have read these extracts because they confirm that opinion which I then entertained, and which I now entertain; and because I am ready to shew that the letter and spirit of the recommendations of the Committee have been complied with in the most entire good faith. At the time when that Committee sat, the number of members in the Legislative Council was twenty-eight, of whom seventeen held office at the pleasure of the Crown, and of whom only six were French Canadians, by birth. What is the case now? and how has that declaration been followed up, which recommended that we should give a more independent character to the Legislative Council? The Judges have withdrawn from it all but the Chief Justice; in regard to whom an exception was made by the Committee of this House. Of a Council, then, of twenty-eight,

seventeen were receiving salaries during pleasure, and eleven were living on their own means; giving a majority of six, removable by the Crown. In 1832—I pray the attention of the House to these facts—the number of members was increased to thirty-four; of these, seven only were connected with the Government, the remainder being wholly and entirely independent. If that point be disputed, I have the names, and I will lay them before the Committee, and they may there be sifted from the first to the last; and I say that the Government at home have been deceived in a manner in which I am confident they should not have been deceived, if there be not, at this moment, twenty-seven out of the thirty-four members of the Legislative Council who do not hold office at the pleasure of the Crown. I will now refer to the point of national origin. In 1828, there were six of English birth in the Council; in 1833, there were seven. In the former year the Anglo-Americans were three; in the latter they were five. The Irish members were two in 1828; in 1833, there was but one. In 1828, the Scotch were nine; in 1833, they were eight. But the French Canadians—the party whose exclusion was complained of—were, in 1828, six in number; while in 1833, they were eleven. The Hon. and Learned Gentleman appears to me to dispute the facts on which I rest the position which I have advanced; I have adduced them, because I felt bound to shew how the Government have proceeded to carry into effect the recommendations of Parliament. I hold in my hand a part of a Despatch, in the year 1831, from Lord Aylmer, in which he enclosed a list of eleven names of persons, recommended by him to be nominated to the Legislative Council, and uses these words:—

> These gentlemen, if appointed, will increase the numbers of the Legislative Council to thirty-five, including the Speaker, and, without counting the three puisne judges of the district of Quebec, (Messrs. Kerr, Tashereau, and Bowen,) who no longer attend the meetings, or take part in the deliberations of that body. In the accompanying list your Lordship will observe, that of the eleven gentlemen now recommended to be legislative councillors, eight are of French extraction, four are Members of the House of Assembly; and they are totally independent of the local government of this province, with one exception, as appears by the accompanying list, and the circumstances which are therein stated.

The exception was in favour of a gentleman of high reputation, M. Duchesnay, who then held the office of Provincial Aid-de-camp to the Governor.

> Of the thirty-five Members of which the Legislative Council will consist, in the event of these gentlemen being appointed, fifteen will be found of French extraction.

The subsequent additions which have been made have been so in the same spirit and intention. The result is this—that while, in 1828, there were eighteen out of twenty-seven wholly dependant, there are but seven out of thirty-five in any measure under the control of the local government. The facts which I have stated are, in my opinion, sufficient to shew that the Government has fully followed up the recommendations made in regard to the independence of the Legislative Council.

The Honourable Gentleman has stated that I have altogether departed from the principle and practice which was laid down by my predecessors. Of the conduct which was pursued by my Noble Predecessor, I can only speak in terms of the highest approbation: and I will venture to say that in the course which it has been my painful duty to pursue, arising out of circumstances, all of which occurred before I accepted the seals of the Colonial Department, I have only followed up the course which my Noble Friend had, late indeed, but at length felt himself compelled, most reluctantly, to recommend and to adopt. The Honourable Gentleman asks whether the tone of the despatch which it was my duty to send to Canada was such as to earn the good-will, the favour, and the kindness of the House of Assembly? It was my duty to state in that despatch, plainly, but I hope not discourteously, but plainly and frankly, the sentiments entertained by His Majesty's Government with respect to the monstrous pretensions set forth by the House of Assembly in Lower Canada, and which I do not hesitate to repeat, coolly and deliberately, would have been subversive of the balance of the constitution as established in Lower Canada, if submitted to by His Majesty's Government. With respect to the system which I have pursued, and which has been so much reprobated by the Honourable Gentleman, I beg to call the attention of the House to the state in which the province of Lower Canada was at the time that I accepted the seals of the Colonial Department. For while I am ready to vindicate every step taken by my Noble Predecessor—while I am ready to take the whole share of responsibility which may attach to me as a Member of the same Cabinet as my Noble Friend—I must, at the same time, declare that these acts were committed, not under mine, but under his administration; and while I am prepared to take my share of the responsibility, I am not prepared to submit to invidious distinctions being drawn between me and my predecessor.

I hardly know how to apologize to the House for going into this matter so much in detail, but the subject being one of such vital importance, I trust that Honourable Members will not be wearied by the statements which I feel it my bounden duty to go into. One of the points to which the Honourable Gentleman adverted was the question of finance. He tells you that it is extremely outrageous—that nothing can be so preposterous, as that the House of Assembly should not have full dominion over the revenue which arises in that country. I have the authority of a Committee of the House of Commons, and I think I have reason and justice on my side, when I state that before the entire dominion over the revenues of the province is absolutely surrendered into the hands of the House of Assembly of Lower Canada, forming only one branch of the constitution, it is right that the Governor, the Judges, and the Executive Councillors should be rendered independent of an annual vote of a popular Assembly. If there be one subject more than another deeply interesting, not only to constitutional freedom, but to the happiness of every class of people, it is the entire independence of the judicial establishment upon the Crown on one side, or upon the public on the other. I rejoice to hear the Honourable and Learned Gentleman (Mr. O'Connell) admit that doctrine, for in admitting it he justifies the whole course which has been pursued by my predecessor,—he justifies the whole of the objections taken on my part to the pretensions of the House of Assembly, in regard to matters of finance. It is necessary for me to state to the House, what was omitted by the Honourable Gentleman, that in the year 1774, by the passing of the Quebec Acts, which constituted the province of Quebec, certain duties were raised within that province, and made payable

to His Majesty, which were levied under permanent Acts. In 1778, it is well known that the Declaratory Act passed, by which it was declared that His Majesty should not thereafter levy any duties within the Canadas, which should be applicable to other than the purposes of the Colonies. In 1791, that which I think was a very unfortunate circumstance, took place in the division between the Provinces of Upper and Lower Canada. At that time the inhabitants of the Province of Lower Canada consisted almost exclusively of persons of French origin; whilst the Province of Upper Canada was peopled by Americans and British, who on the separation of the United States from this country, fled into Upper Canada, and there established themselves under the dominion of the British Government. In 1791 the separation of the two Provinces took place, when each of them had separate legislative councillors, and a separate House of Assembly; but, at the same time, there was a guarantee given to all His Majesty's subjects who should settle in either of these Provinces, that they should have the full enjoyment of the laws of Great Britain. It was, however, provided, that the inhabitants of that strip of land first settled, extending to a great length along the River St. Lawrence, should continue in the possession of those feudal privileges which they had heretofore enjoyed, although it was in this district that the feudal tenures existed in their most unmitigated and worst possible form. From 1791, down to so late a period as 1817 or 1818, the casual and territorial revenues, together with the duties levied under the Acts of 14 Geo. III., were so far sufficient for the ordinary expenses of the Province, that it had not been necessary to apply to the House of Assembly for any assistance to make up the sum required for the ordinary expenses of the Province. When the House of Assembly was applied to certain grants were made, until at length they stated, that if they subscribed to the maintenance of the Province, they had a right to check the expenditure of the revenue, to ascertain how it was appropriated, and to see whether they could point out any improvement in its distribution. Thus matters went on for a number of years, sometimes with concessions on the part of the Government, sometimes with concessions on the part of the Assembly, always unsatisfactory, and always irritating, until at last the Governor of the Province (I think most unconstitutionally and most improperly) authorized the Receiver-General to pay out of the public chest, by warrant from him, the money which ought to have been voted by the House of Assembly. This was one of the points inquired into by the Committee which sat in 1828, to which their Report is directed, and to which the Government have paid the most strict and unwearied attention ever since.

Before I go further, I will give an instance of the spirit in which the Assembly has recently acted. Last year, the Assembly broke up at a very early period, having done very little business during the session, and the financial affairs of the Province were left wholly unprovided for. The cholera not having subsided, the quarantine establishment was in the greatest distress; a famine raged through a portion of the country; and, under these circumstances, the Governor felt himself justified in taking (partly, too, from his own private resources) about £7000 for the relief of those persons who were suffering from famine and pestilence. At the commencement of the present session, he applied to the House of Assembly for indemnity and reimbursement, but he was met by a resolution taunting him with a misappropriation of the public money. It was not for the purpose of paying salaries to the Judges, or any other high officers that the Governor had made this advance of money; not for the sake of benefitting himself; but for the sole object of assisting the starving and the sick—the wretched population of the country. With a degree of honesty, candour, and liberality, which does high honour to the individual, the Governor, relying on the good faith of the Legislative Assembly, advanced this £7000 in the manner that I have stated, and I regret to say that he has been disappointed, and has met with nothing in return for his generous conduct, but revilings and taunts of the most bitter description.

Admitting the control of the House of Assembly over the finances of the Province, there remained the duties levied under the 14th of George III., and appropriated under a permanent Act, which has never yet been repealed. The Select Committee of the House of Commons state—

That from the opinion given by the law-officers of the Crown, your Committee must conclude that the legal right of appropriating the revenues arising from the Act of 1774, is vested in the Crown; but the real interest of the Province would be best promoted, by placing the receipts and expenditure of the whole public revenue under the superintendance and control of the House of Assembly. Your Committee while recommending such a concession on behalf of the Crown, are strongly impressed with the advantage of rendering the Governor, the members of the Executive Council, and the Judges, independent of the annual votes of the House of Assembly for their respective salaries.

In 1828, the House of Assembly thought that it would be expedient to render the Executive Councillors, and the Governor for the time being, independent of the annual vote of the House, to the extent of their present salaries; and three years after the passing of this resolution, the Government adopted a sort of middle course, deducting these salaries at the disposal of the Crown, giving an account of the expenditure, and leaving the whole of the remainder applicable by the House of Assembly; yet the House of Assembly persisted in including in the annual estimates the whole of these charges, thus claiming to themselves the appropriation of the entire revenue.

In 1830, my Noble Predecessor made this proposal—that, in passing a Civil List, which he specified, of which £12,000 out of £19,000, went to the maintainance of the Judges of the land, £4500 to the Governor, and the remainder to the Attorney and Solicitor General of the province, that the House of Assembly should have the uncontrolled management of the surplus revenue, amounting to about £35,000.—That offer was refused by the House of Assembly; they rejected it altogether. My Noble Friend went still further, and offered to take off every thing with the exception of the Judges and the Governor; but this was also rejected. I must return to 1831, when my Noble Friend, having made this proposal to the legislature of Lower Canada, and a similar offer to the legislature of Upper Canada, he received from the legislature of Upper Canada an address, thanking him for the kind and benevolent manner in which His Majesty had met the wishes of the Assembly, which had completely realized their expectations, and guaranteeing, not for a term of years (as my Noble Friend asked), but permanently, and for ever, a sufficient civil list for the maintenance of the Judges and the Governor of the province. This, it was said, was done

on the faith of a Bill being brought into Parliament to effect this object. My Noble Friend brought in the Bill, and, on his doing so, he was told that he would repent of the step he had taken. In reply, he said, "I will trust to the honour and patriotism of the people;—I will surrender, absolutely and entirely, the revenue levied by the Act of 1774, in the full confidence, that when I have shown no intention to trespass on the rights and liberties of the Canadians, they will then do that which is just, and make the Governor and the Judges independent of the annual votes of the Legislature." Have they done so? No, they have not! They have passed a Bill, professing to render the Judges independent; but, although they state that the Judges hold their offices for life, they abstain from mentioning the amount of their salaries. They insist on their right to impeach the Legislative Councillors—which, by a Bill brought in professedly for the purpose of supporting the independence of the Legislative Council was vested solely in that body, as well as the right of impeaching all the high officers of the Colonies. This is an endeavour to obtain, by circuitous means, objects which they cannot accomplish by fair and open dealings. The House of Assembly passed the Bill; but my Noble Friend disallowed it as wholly and entirely inadmissible; and he stated, since they were determined to give nothing permanently to render the Judge and Governor independent of their annual votes,—that the Governor was peremptorily instructed to refuse his assent to any future Bill of the same objectionable character,—that His Majesty would not again apply to the Legislature for a Civil List, but that Government would provide for the salaries of the high officers from funds at its own disposal. This was the state of affairs when I accepted the Seals of the Colonial Department. Resolutions had been passed by the House of Assembly declaring that they would hold no further communication with His Majesty's Government,—pretensions had been put forward of a nature that it was impossible for any Government to submit to; and the Supply Bill having passed, the Secretary of State was saved the trouble of refusing His Majesty's assent, as he must have done, to the only Bill which has passed since I have filled the situation, by the refusal of the Legislative Council to concur in a Bill which monopolized to the House of Assembly, not only the whole of the legislative, but the whole of the executive management of the affairs of the country. Salaries were to be given to those officers who were not members of the Legislative or Executive Council; and most of these individuals who were thus distinguished had held their situations for twenty, thirty, or forty years, without ever having the slightest reproach cast on them by any one single person. If the highest officers of the Government, including the Judges, are to be dependant on the annual vote of the House of Assembly, swayed by passions and prejudices such as I lament to say characterize the House of Assembly of Lower Canada, I admit to the Hon. Gentleman that you may as well do away with the Government altogether, and leave to the management of a popular assembly the whole of the functions, legislative, judicial, and executive, which are now vested in the Crown, the Judges, and other high officers. A district of the Canadas had been represented by a gentleman of the name of Christie, who, by some indiscreet word, act, or publication, so offended the predominant party in the House of Assembly, that they determined on objecting to his taking his seat, although two general elections had passed over, at each of which he had been returned as a representative. Five times he was re-elected, and five times re-expelled. Yet, in this case, Government did not interfere, so little disposition was there to intermeddle with a question apparently of privilege. Mr. Mondelet's case was different. There having been no law in the province declaring that on the acceptance of office under the Crown, the party should vacate his seat, in the year 1831 the House of Assembly passed a resolution, by which any person accepting office under the Government, was bound to vacate his seat in the Assembly; and they added this extraordinary provision—that until his Majesty gave his assent to an Act for this purpose, the resolutions of the House of Assembly should have the force of law. In 1833, a gentleman of the name of Mondelet accepted an honorary office under the Crown, and he was immediately called on to vacate his seat, by the very parties who had previously stated that offices not productive of pecuniary emolument would not come within the scope of the resolution. I speak under correction, but from very high authority, when I say that this is a stretch of power which the House of Commons never would arrogate to itself, of attempting to give to their Resolutions the force of law, independent of the other branch of the Legislature. I think I may also say, that if the Lord Chancellor was called on to affix the Great Seal to a writ which, on the face of it, set forth a ground which was not legal for vacating the seat, that the Chancellor would feel it his bounden duty to refuse to affix the Great Seal to the writ.

With regard to the massacres, as the Honorable Gentleman calls it, at Montreal, the fact is, that it was an election disturbance, in which, unfortunately, two or three persons were killed by the soldiers. The matter was brought under the notice of the magistrates and other judicial authorities, and a grand jury was formed on the principle by which these matters have hitherto been managed in England. The Honourable Gentleman may think that the Act was not strictly conformed with, but I believe that great credit was due to the gentleman who framed the panel, for the very impartial manner in which the jury was chosen. The Bill was ignored by the grand jury, and an address, signed by upwards of 7000 persons—the total population of Montreal being 20,000—was drawn up, expressive of the high sense entertained by the inhabitants, of the firmness and temper with which the proceedings had been conducted.

The House of Assembly then inquired into the matter, and it was the only business before them during the whole of the Session of 1833. They examined various witnesses, and finding there was nothing to be made of the subject, they adjourned the inquiry to the subsequent Session, and they have actually suspended the issuing of a writ to a large town like Montreal up to the present period, under the pretext that no election can safely be held in the town of Montreal in its present riotous and disturbed state. It represents a considerable portion of British commercial capital, and I venture to say that is the ground why the issuing the writ has been postponed for upwards of a year and a half. In the province of Upper Canada there is no distinction of nation, language, religion, or laws. In the province of Lower Canada, unfortunately, all these causes of dissension are in operation; and although I am happy to say that in most instances that which elsewhere is a

fertile source of dissension,—I mean religious differences,—has led to little or no animosity, yet other circumstances mix themselves up and interview themselves with every step that the Legislature can take with regard to the most apparently insignificant subject. I may perhaps be permitted to advert for one moment to the evidence of a gentleman who was examined before the Committee of 1828, who is particularly conversant with the affairs of the Canadas—who possesses considerable property there—and who is well known to this House to be a person of very liberal opinions—I allude to the Right Honourable the Secretary-at-war. This is an extract from the evidence given by that Right Honourable Gentleman:—

Are you of opinion that the French Canadians feel that, according to their view of the interests of the Province, the [illegible]litating settlement would so far benefit the Province, as to make it probable that they would consent to any Bill which would have for its natural effect the progressive settlement and improvement of the Province by English settlers?—The great object of the French population and Legislature is obviously to retain their institutions, their laws, their Church and their distinct condition, from the people of America: but, of course, although much may be secured to them by mutual concession, all their objects can only be effected at the expense of the interest of the English population, and by the retardment of all improvement in the country. So far from blaming them for entertaining that separate view, probably if I were similarly situated, I might feel disposed to cling to the same hope, as long as there was any reasonable probability of being able to maintain it; but feeling that sooner or later they must form part of the great American or English family, any attempt to sacrifice the paramount interests of the improvement and civilization of the country to their habits or prejudices would not only be injurious to the rest of Canada, but hopeless as to its result.

No person would be more opposed than myself to the passing of any measure which would at all interefere with the free exercise of the religion, the ancient laws, and customs of the French Canadians, but we must recollect that we have another duty to perform;—to see that interests of British settlers, the influx of British capital, and the advantages of British industry and enterprise, are not unnecessarily checked and retarded, and that they are not to be prevented from enjoying, within any portion of his Majesty's dominions, the advantages and privileges to which they are entitled as British subjects. It is the struggle which has been going on between the French Canadians of the Seigniories, and the inhabitants of the Canadas, the former endeavouring to retain possession of their feudal tenures, which is the real source of the agitation that has convulsed the provinces for many years. Many persons have considered that a remedy for the evil would be obtained by uniting the two provinces of Upper and Lower Canada. That such an union, at some period of time in all probability must take place, I have little or no doubt; but, looking at the present position of affairs in these colonies, I confess I am unwilling to ask Parliament to give their sanction to so serious an undertaking as the union of the two provinces, for the purpose of overwhelming the opposition of a particular party. At the same time, I have no hesitation in saying, that if circumstances should ultimately drive the country to take any very strong and violent measures, that the union of the two provinces appear to me to be the only means of affording any probability of success; but I have stated in the despatch which has been so much complained of, my unwillingness to recommend to Parliament such a modification of the charter granted to the colonies. I stated that I did not despair of the benefits which would ultimately result from the working of the British Constitution in the Canadas, under a Government pledged to maintain the rights of the Canadian French, but not to allow the rights of the French Canadians to interfere with the claims of those British subjects who may settle in those provinces. One of the principal grievances which the Canadians complain of, is to be attributed to the operation of an Act known by the name of the Canadian Tenures Act. That Act was passed in the year 1826, and by it Parliament merely intended to put out its own construction upon the Act of 1791, and more clearly to shew that the lands granted in the back settlements of Lower Canada, in free and common socage, were intended to bear the incidents of British property, but without interfering with the rights of the seigneuries on which they bordered. The Act also contained provisions to enable any seigneur holding under the Crown, which was the paramount seigneur of the country, who might feel desireus of relieving himself from the burdens of the feudal system, to commute his tenure, and take his land in free and common socage. The Crown by this sacrificed its fines, and only exacted the condition, that the seigneurs should free their sub-tenants from the burdens from which they would thus be relieved. It was thought hat many seigneurs would be desirous of taking advantage of this permission, for there was nothing compulsory in the Act, as it would enable them to encourage British settlers upon their waste and unoccupied lands. When I state that this provision was only acted on in two or three instances, and that half of the seigneuries lie waste and unoccupied, it cannot be supposed that the French inhabitants have any great cause for alarm. One of the complaints, however, against the legislative council is, that it refused to sanction a law which went to deprive the seigneurs of the power of throwing off the letters of the feudal system. When the Committee is appointed, I really hope that it will minutely examine into the alleged grievances which have arisen from our supposed interference with the law of tenure prevailing in Canada; but to shew the House how little cause there is for complaint, I will mention one instance of our interference which has been much censured. The seminary of Montreal claimed to hold the seigneury of that town from the Hospital of Saint Sulpice, at Paris. It maintained over that populous and commercial town all the rights of the feudal system; and when I mention that a tax, amounting to one-fifth, upon every transfer of real property within the town, is among them, the House may imagine how burdensome that system must have been in a rising community. The title of the seminary however, was doubtful; and the opinions of the law-officers of the Crown being against the seminary, it was determined to try the case before the provincial courts.

The revenues in question were originally appropriated to the conversion of the Indians, but were afterwads devoted to purposes of education. Under these circumstances, the Government proposed, as a compromise, that the seigniory should surrender its asserted seignorial rights to the Crown, but should be guaranteed an amount of revenue equal to what it had derived from them upon the average of the last ten years; and, if any increase of revenue should arise under the altered tenure, it was proposed that it should be handed over to the provincial assembly, for the purposes of education. The Crown asked no advantage for itself; but, having established

its right to the seigniory, wished to relieve the trading town of Montreal from the inconveniences attendant on feudal tenures. Here, again, I confidently ask the House whether, in the terms offered by the Crown in the object it had in view, or in the mode in which it sought to accomplish that object, any desire was manifested improperly to interfere with the rights, privileges, or pretensions of any portion of his Majesty's subjects? Now, I say that, in the case of a colony were the great bulk of the people are of French-Canadian extraction, but where the great mass of the intelligence and property of the country, except that in land, is British—where the British population is hourly increasing, in spite of the efforts of the Legislature to prevent their settlement in the country—where one of the grievances complained of is the sale of a tract of land, intended to promote the settlement and prosperity of the country, in the same way that the Canada Land Company has so wonderfully promoted that of the Upper Province—if, in such a colony, I say, you make the Legislative Council elective by the same body that elects the House of Assembly, you not only abrogate the functions of the executive government, but betray the rights of those British subjects which you are bound to maintain and defend, and which I am not prepared, on the part of the Crown, to surrender to the menaces proceeding from any quarter whatever. I am prepared to meet such menaces with constitutional resistance, by keeping in the hands of the Crown the nomination certainly, but a nomination for life of their legislative council,—which, whilst it can pass no laws without the consent of the House of Assembly,—which, whilst it can violate no privileges of the French Canadians, will, as it ought, see that all classes of his Majesty's subjects are duly protected in their rights against assaults, from whatever quarter they may proceed.

The last charge against the Government is, that out of 214 functionaries employed in the province, only forty-seven are of Canadian extraction. Now this is not the fair way of looking at the question of partiality or impartiality. In the first place, I say, the Government is entitled to select its officers without reference to nation or origin, from among the most able and intelligent persons they can find; but it does so happen that, of the persons born in Canada who are employed by the Government, the majority is of French extraction. It is in the very nature of a colony that the great bulk of the functionaries, as the governor, the custom-house officers, and others, should be from the mother-country, and they form a most important link in the connexion between the colony and the mother-country. It accordingly appears that 125 persons employed in the colony were born in this country. Whether any of these were appointed after having made the province of Lower Canada their permanent abode, I have no means of judging. Eighty-one were born in Canada, and of these I find that thirty-one only are of British extraction, while fifty are of French-Canadian extraction; clearly shewing that the latter cannot complain of partiality in favour of the former. With respect to the Judges, it is true that only three out of the nine or ten are of French origin; but it is not true that the others are unconnected with the province by any ties of residence or property. Not one of these Judges was sent out from this country. They were all selected from the bar of Canada, where some of them were born, which the others have adopted, and the laws and institutions of which have been their study from early life.

I believe that I have now gone through as much of the Honourable Gentleman's statement as will enable the House to form an estimate of the nature of the facts in dispute between us. I am aware that I have done so at great length, and that this is not a subject of general interest, but it is one of great importance, and I thought it therefore necessary to state the circumstances on which I was prepared to rest the defence, not of myself, but of my predecessor, and which I am prepared to submit to the investigation of a Committee, only limiting that Committee to a strict inquiry into the matters referred to it. To that Committee I propose to submit every despatch which has been written and received, to be investigated, searched into, examined, cross-examined, and criticised by it. We stand upon our trial; and all I claim on the part of the Government, here and in Canada, is, that that trial should be full, fair, and impartial.

There is only one other point upon which I shall think it necessary to trouble the House, and that has reference to a financial question. By an Act passed in 1831, my Noble Friend surrendered to the House of Assembly certain revenues, upon the faith that the House of Assembly would make some permanent provisions for the Judges. The violation of that implied pledge compels me to ask for the assistance of the House, to relieve the justiciary of Canada from the dependance in which they are placed upon the annual votes of a popular body. I trust the remedy I propose does not go beyond the necessity of the case. I do not ask the House to overwhelm the Lower Province, by calling in the wealth, weight, and influence of the Upper Province; but simply that the Act of 1831 should be suspended till the House of Assembly has made some permanent provision for the judicial establishment; and, as soon as that is done the whole of the revenues, which will thus come into the hands of the Crown, shall again be placed under the uncontrolled authority of the Provincial Legislature. The state of things prevailing in Lower Canada, which the Honourable Member has truly characterized, not as a revolt or rebellion, but as a revolt as far as words only go, of a portion of the House of Assembly, renders it necessary that we should protect the judicial bench against the effects of the prejudice and violence of tone of that Assembly. I pass over the violence of its resolutions—I pass over the compliments it pays to the Hon. Members of Dublin and Middlesex, who I dare say, would feel proud at the display of the gratitude it has manifested towards them, as the upholders of their cause—I pass over the invitation of the colonies of Great Britain, to correspond with them and unite in their efforts to attain their object—I pass over the professions of attachment of the institutions of Great Britain, followed up by the desire to follow the practice, of America—I pass over, also, other portions of their proceedings which I do not wish to characterize, because I will not lose my temper. I beg to conclude by moving, as an amendment to the motion of the Honourable Member, "That a Select Committee be appointed."

Mr. O'Connell.—I would recommend to my Hon. Friend, whose motion I seconded, to withdraw it, and allow that of the Right Hon. Gentleman to pass without opposition, thus placing on the Government the responsibility of the appointment of the Committee. I think the conclusion of the Right Hon. Gentleman's speech, and his motion, are perfectly satisfactory. I am glad of it, because some things fell from the Right Hon. Gentleman which would aggravate

all the mischiefs in the Colony, and be, perhaps, the means of a very speedy decision of the question in the Colony itself, in a manner most unsatisfactory to him. As the question is to go before a Committee I will not enter into details, but I should wish to say a few words on the principles laid down by the Right Hon. Gentleman:—First, with respect to the Legislative Council, the Right Hon. Gentleman has thrown himself on the Address of the House of Assembly of Upper Canada; but the value of that Address in the decision of a constitutional question is just nothing at all. It was carried by a majority of only three, and that in an Assembly containing a great number of persons holding offices under the Crown. Whether the same members will be returned to the Assembly at the next election I know not, but if the people of Upper Canada think fit to elect placemen and pensioners, we have no right to interfere to prevent them. Still I say the fact of such being the nature of the representative assembly at present, renders its address on this question of little value. The great sources of mischief in Lower Canada are, that the inhabitants consist of two different nations of different religions. There is a population of 600,000 souls; of which 525,000 are of French, and 75,000 of British extraction. Which has the management of the country? Not the 525,000, but the 75,000, who predominate in all places and offices, and everywhere except in the House of Representatives, where the majority represents the majority of the inhabitants. Out of 214 Government officers, it is admitted that only 50 are French Canadians, and that of the Judges, only one-third are French Canadians. In the Legislative Council, those of Canadian extraction are so few that they have given up the struggle with the majority, and, declining to act, there appears in it a perfect unanimity in favour of the Crown by which it is appointed, under whose influence it is, and which, through its means, has an irresponsible veto in addition to the responsible one it exercises through the Governor. From the description of the Legislative Council I hold in my hand, it appears to consist of adventurers, of delinquents, or of public servants under the Crown, all, except one, without landed property in the Colony. It would be a monstrous anomaly indeed, if, at the present day, the Crown were to be justified in nominating an aristocracy like this to control the representatives of the people.

The Right Honorable Secretary appeared to throw out a notion of the possibility of a Legislative Union being effected between the Upper and the Lower Provinces, and talked of following the example of the United States; but what is the case there? When districts increase in population, instead of being combined with others, they have a legislature of their own, and the whole constitute a federative union, the strongest and most prosperous in the world.—The attempt to unite the Legislatures of Upper and Lower Canada, the Crown preserving the nomination of one of the Chambers, would present such a contrast to the condition of the United States, that the Canadians who would not rather die than submit to it, would be undeserving of the name of men. The Right Honorable Gentleman talked much of the resistance offered by the Canadians to the introduction of improvements and British institutions; but he forgets to state that the main ground of their refusal to alter the nature of their tenures was, that it would deprive the Catholic Clergy of every foot of ground on which they could build a school or a church, the Government having constantly refused to allow any for the purpose. With respect to the financial quarrels which have occurred in the colony, the Right Honorable Gentleman has not denied that the object has been to force the Assemblies to vote the supplies in a lump instead of in detail.

Mr Secretary STANLEY—Such has not been the practice for many years past.

Mr. O'CONNELL—I have it upon the authority of the House of Assembly, that that is the quarrel to this hour.

Mr. Secretary STANLEY—An estimate is presented for every item of expenditure, and every item is canvassed by the Assembly, even to those paid for out of the casual revenues of the Crown.

Lord Viscount HOWICK—I may save the Honourable and Learned Gentleman some trouble by stating that, not only has the Assembly the power, but that during the last four years it has exercised that power very freely. So far from the Government quarrelling with the Assembly for voting the items separately, the fault found by my Noble Friend, under whom I served in the Colonial Office was, that the last Supply Bill of the Assembly did not enter into those particulars, so that he only gathered the details of the votes from authentic sources. My Noble Friend therefore recommended the House of Assembly to follow the practice of this House, and pass a regular Act of appropriation, going into distinct items.

Mr. O'CONNELL—The statement of the Noble Lord, is certainly inconsistent with the Resolutions of the House of Assembly, and how the inconsistency can be explained I know not. With respect to no permanent provision being made for the Judges, the reason is, that the House of Assembly feared that if the grant were not made annually, it would not be called together at all. But there is another constitutional question between the Right Honourable Gentleman and the House of Assembly, on account of its having expelled one of its Members for accepting office.

Mr. Secretary STANLEY—They have not expelled him.

Mr. O'CONNELL—They have declared his seat void, and that is a mode of expelling a Member. In the case of Mr. Christie, the Right Honourable Gentleman found fault because the Assembly declared his seat void in the same way. As the Assembly conceived, Christie had libelled them, and they therefore declared his seat void, although he was re-elected five different times. This is precisely the case of Mr. Mackenzie in Upper Canada. He was re-elected four or five times, and the Assembly as often declaring his seat void, the Governor had no hesitation in signing a fresh writ in every case.

Mr. Secretary STANLEY—The cases of Mr. Christie and Mr. Mackenzie, were similar; but the other case to which the Honourable and Learned Gentleman alludes, was different. In that case a new writ was moved for, because a member had accepted an office.

Mr. O'CONNELL—Yes; that case is stronger for my argument. The Assembly declared, as it had a right, that to be a member of the executive government and of the legislature, was inconsistent. That was sufficient to raise the constitutional question: and if the Right Honourable Gentleman was to raise it in this House, he would find, I imagine, that the principle would at once be asserted, that the House was the judge of who its members were, and that in the last resort. Without such a privilege, it would be impossible for any Assembly to maintain its

independence. Government had no right whatsoever to refuse to have the writ executed. As to the murder at Montreal, there was a refusal to allow the parties to prosecute; the Government prosecuted the soldiers, of course, belonging to the Government,—there was no trial, and the blood which was shed remains unrequited to this day. One would really imagine it was Irish blood, so great is the indifference displayed. The House of Assembly, therefore, had a right to investigate the matter, and to suspend their writ. If your quarrels have interposed more than once, it is not their fault that they have not concluded their investigation. I take this point upon the statement of the Right Honourable Gentleman himself. He said they had two investigations—he did not state that any report had ever been made; nor has there, I suppose? Very well. But then, he states, that these Canadians are exceedingly unwilling to have their country improved,—that they are throwing impediments in the way of improvement. Good God, Sir, is not the property their own—is not the country theirs—have not they the greatest interest in it—is it, or is it not, interference to lay down the maxim, that any man here or elsewhere can take care of their property better than they can themselves? Ought they to have the appointment of their legislative councils? Why, the instance of all neighbouring States points out to them the improvement, the cheapness, the freedom, and the security of personal property, resulting from the people having the entire management of their property. But this would not suit the purposes of a government which chooses to have an authority over the people—not an authority derived from them. For this reason it is that the Government insist on the appointment of the legislative assembly. Sir, if any resistance had been offered to this motion, it would have been necessary to discuss the question infinitely more in detail, and at much greater length; but the concession which has been made by his Majesty's Government supersedes the necessity of doing more than entering a decided protest against the principle of connecting the two provinces by anything like a legislative union, which I am convinced must be followed—as legislative unions almost universally have been—by the worst of consequences; and, above all, must this be the result of a legislative union, reserving to the Crown the right of nominating one house of the legislature.

It must excite the most unqualified discontent to force upon the inhabitants of this province a government repugnant to its habits, its manners, its wishes, its wants, and the example of its neighbours. Surely, instead of inflicting such incalculable mischief, it would be much better to give them the appointment of both branches of their legislature, keeping in reserve the royal prerogative, which would act as a third branch of the legislature, and which would be quite sufficient to prevent the colony from passing any law that could possibly infringe the rights of this country. Give them a complete assurance that you will not interfere with their voting, unless in the case I have described.—Look at the system which exists. Here are fifty bills—almost all of a popular character—which are rejected by the second house of parliament, after having been passed by the first. I must decidedly protest against the principle; and I need hardly add, that I, of course, entirely concur in the appointment of the Committee.

Mr. HUME.—Perhaps the triumph which my Honourable Friend, the Member for Bath, has obtained by the concession of this Committee, would have rendered it unnecessary for me to have troubled the House, if the Right Honourable Gentleman, the Secretary for the Colonies (Mr. Secretary Stanley) had not very unnecessarily introduced me to the notice of the House. I consider the sneering manner in which his reference to me was made most gratifying; I consider it more honourable to be designated as the friend of a distant people, than as the tyrant and oppressor of any portion of His Majesty's subjects. I leave the Right Honourable Gentleman all the advantage of the difference of character. After the manner in which the Right Honourable Gentleman brought me before the House, and after the terms in which he noticed me, an independent man, quite unconnected with office, I think it quite necessary to state the character which the Right Honourable Gentleman bears. I will fairly tell the Right Honourable Gentleman that he will not find me, like many of his friends who advocated good government under a Tory Administration, turning round and defending bad government under a Whig Administration. I trust the right Honourable Gentleman will not have occasion to pride himself in this, as in many other instances. How were the resolutions carried? The Right Honourable Gentleman alluded to the proceedings in Upper Canada, which were not mentioned by my Honourable Friend, in order to take off the attention of the House from the great question which has been brought forward as regards Lower Canada, by supposing that the same majority carried them in both places. The House knows, from papers which have been laid before it, that the majority in Upper Canada was obtained by bribery and corruption—by enlisting collectors of Excise and Customs as members of that House of Assembly, when, after all, the government were only able to carry the measure by a majority of 43, while in the lower house all the resolutions were carried by a majority of 58 to 24—two to one at any rate. Really I am quite surprised that the Right Honourable Gentleman should have been tempted to lead the House astray as he did. I regret exceedingly that Upper Canada is not to be included in the inquiry of the Committee; but I will tell the Right Honourable Secretary that when it is known in these provinces that measures like those which Lower Canada has adopted to secure the attention of this country, by this time twelvemonth we shall have equal cause to inquire into the grievances of Upper Canada. They have entreated the government there to dissolve the present Parliament, and to give the people an opportunity of expressing their opinions relative to the conduct of the Government here. Have they not said that the conduct of the present Secrerary for the Colonies, in contradistinction to that of his predecessor, has threatened to disturb that peace and happiness which they expected would result from the wise and conciliatory measures of Lord Goderich? I wish the Right Honourable Secretary had agreed to the motion which I proposed last year for the production of the correspondence between the British Government and the government of Canada, respecting the dismissal of the Attorney and Solicitor-General by the late Colonial Secretary, who considered their conduct so unworthy of public functionaries that he recalled them immediately. The result was, that the people unanimously passed resolutions of thanks, and sent home testimonials of their approbation of the conduct of Government, or at least of Lord Goderich, fondly anticipating that he would be enabled to carry to a successful termination those

measures of conciliation which he had so well begun. Unfortunately, Sir, however, no sooner is the present Right Honourable Secretary for the Conlonies placed in his situation, than, as if to mark his disapprobation of the conciliatory measures of his predecessors, he appoints one of those individuals to a higher office in Nova Scotia, and sends the other back to Upper Canada, as if to give a triumph to the party to which he belonged. I regret exceedingly that the bad management of the colonies has been productive of such disastrous consequences to the people, both in the colonies and at home. If the colonies are to be of any value, we must carry the hearts of the people with us: no measure the Committee can suggest, no system the Right Honourable Secretary can effect, will answer the purpose, unless the colonies are allowed to manage their own affairs. All the disputes—I do not confine myself to the mere dispute of the day—have arisen in consequence of Government interfering with their disposal of their own monies, under the title of reserved revenues of the Crown. Sir, the Crown ought to have no revenues independent of the people, or independent of Parliament. What would the people of this country say if the King reserved different sums of money, to appropriate as he pleased, in opposition to the votes of this House? The Houses of Parliament in Upper and Lower Canada are exactly in the same situation.

I will not read the resolutions of the Legislative Assembly. The Right Honourable Secretary says that he has effected an amelioration. I can only say, if I am able to judge of them, that these resolutions positively declare that the Legislative Assemblies at this moment have less sympathy with the people of Canada than at any former period. They may be correct, or the Right Honourable Secretary so. I am, however, disposed to give the preference to the opinions and knowledge of those who are on the spot, who have stated thus publicly to the people of England what their opinions really are. I am very happy to find that the measures of the late Colonial Secretary will be submitted to Parliament as well as the proceedings of the present. I am satisfied it will be found that the former was attempting measures of conciliation, but of which, if I may judge from the public meetings which have been held, and the opinions which have been expressed by the people, they have been miserably disappointed by the latter. While they return thanks to the Earl of Ripon for his conduct, they express, in the most unequivocal manner, their opinion that the conduct of the Right Honourable Gentleman, the present Secretary for the Colonies, has been most tyrannical and unconstitutional: they use very strong words indeed. I can anticipate no very beneficial results from the appointment of this Committee, unless it is to be a fair one—unless it is to be a Committee of Members chiefly unconnected with the Government, who shall be influenced by no motive but an anxious desire to do justice between the parties. I shall distrust its proceedings very much, unless it be a thoroughly fair Committee, competent to inquire into all the difficulties of the case, and to give a fair and unprejudiced opinion to this House. It is well known that much transpires in a Committee which must mark the character of the proceedings between the Government and the people of a country, which can scarcely be properly reported by a Committee, unless it is openly, and fairly, and disinterestedly chosen. Of one thing I am quite sure—that for this country to devise the means of keeping up, as the Right Honourable Secretary for the Colonies proposes, an aristocracy in these colonies, is out of question—their contiguity to the United States renders it impossible. The late Secretary of the Colonies stated that the Government was anxious to keep up an aristocracy in the colonies, and that, therefore, the Legislative Assemoly was to be distinguished from the lower House. I say, again, it is out of the question, and I am very sorry that the Government at home do not at once see the wisdom and the justice of, and the advantages that will be deprived from, leaving these colonies to manage all their pecuniary affairs, unshackled and uncontrolled. I must say, that I consider the Right Hon. Secretary for the Colonies, or any person in his situation, can scarcely read with composure the titles of the numerous complaints which are sent home from nine-and-twenty colonies, and upon which replies, and fiats, and different proceedings are founded.

I hope the Committee will see in the course of their deliberations, reasons for recommending to this House the propriety of not interfering in the affairs of the Colonies, for until that is done, I can see no probability of peace either there or here. These people have, over and over again, complained, and it does give me great pleasure to find that this House will now have an opportunity of doing justice to their appeals. I do entreat the Noble Lord who conducts the affairs of Government in this House to do his utmost to secure the choice of a fair and impartial Committee, in order that justice may be done, the more so because these parties are placed at a distance, and have no one to make a fair and impartial selection for them. If such be the case, I have no doubt but that every one of these propositions will be detailed and substantially made out. I say substantially, because there may be some technical bearings differently interpreted; but I have no hesitation in saying, if I am competent to form a correct judgment upon the subject, that I have seen documentary proof which will bear out every one of the principal points, I therefore heartily concur in the motion, which I am perfectly satisfied is the best course that could be pursued by the Government, and even for the Right Honerable Secretary himself, who has professed his anxiety to do justice to the colonies, but who, I am sorry to say, has taken the most extraordinary way of shewing it: he seems very well pleased with his own act, but not one soul in the colonies appears to participate in the feeling.

Lord Viscount Howick.—I had not the intention of taking any part in the debate, and as the whole subject is to be referred to a Committee of Inquiry, I should have thought it proper to abstain from intruding upon the House, if it did not appear to me that some of the statements which had fallen from the two Honorable Members who spoke last, are so erroneous, and calculated to do so much mischief if they pass uncontradicted, that I hope I may request the attention of the House for a very few moments. Both the Honourable Gentlemen have represented the question now at issue to be, whether the Assembly should or should not possess that right which is the foundation of a representative government, namely, the right of preserving a complete and efficient control over the public purse. Sir, that I take leave to say is not the question for our decision. It never was the wish of the late Government—for I will do that credit to the Government of the Duke of Wellington—and it never has been the desire

of the present Administration, in any manner to interfere with the right of the Assembly of Upper Canada to possess, in the fullest sense of the word, complete power over the revenues there collected. The principal point in dispute is, whether a fixed salary should or should not be granted to the Judges—whether complete independence should be given to the judicial tribunals of the country: this I am quite convinced the House will perceive is the point which the Assembly press upon the Government of this country. But the Honourable and Learned Member for Dublin has stated with respect to the transactions at Lower Canada, that one of the objections of the Canadians to the Act was, that by any alteration in the present system of holding land, the Roman Catholic Clergy might be prevented from obtaining land for the building of churches, and other purposes connected with the established religion of that country. I venture to assert that the Honourable and Learned Gentleman has been completely misinformed on this point, that ever since the conquest, the Government of this country has considered it its bounden duty to act with the utmost liberality towards the Catholic Clergy of Canada. I know that during the period when the Earl of Ripon was at the head of the Colonial Office, the strongest injunctions were given on this point; and I believe if the Honourable and Learned Gentleman were to inquire accurately into the real state of the case in Canada, he would find that the Catholic Clergy in that Colony consider the proposal of Mr. Papineau much less friendly to them than the course pursued by the Executive Government.

There is only one other point to which the Honourable and Learned Gentleman adverted, which I shall feel it necessary to notice. The Honourable and Learned Gentleman accused my Right Honourable Friend of acting with extreme inconsistency with respect to the issue of the writ for a new election in the case of Mr. Mac-Kenzie and Mr. Christie. The Honourable and Learned Gentleman completely misconceives the case. My Right Honourable Friend has not denied the right—or I should rather say, the power of the Assembly for any reason, good or bad, of which they alone are to judge, to expel any one member of their body; but both the Assembly of Upper Canada, and the Assembly of Lower Canada have, as I think, and as I believe my Right Honourable Friend also thinks, exercised that power most injudiciously, though in opposite senses. The one has expelled Mr. Mac-Kenzie, the other Mr. Christie; and precisely the same conduct as this House adopted with respect to Mr. Wilkes, has been pursued in both cases. The course which was taken by the Earl of Ripon has been followed by my Right Honourable Friend;—it was to express strongly and earnestly his opinion, that although the power of the Assembly was not denied, the justice of the proceeding was, under all the circumstances, more than questionable; but that still the members being expelled, the writ must issue as a necessary consequence of that expulsion. With regard to the case of M. Mondelet, it is totally different; he was not expelled by the Assembly:—the Assembly had passed a bill, which had not become an act, declaring that members accepting office under the Crown should thereby vacate their seats; but they passed a resolution to the effect that this bill, previous to its receiving the Royal Assent, should have the force of law, and that the seat of every member accepting office should be at once deemed to be vacant. In pursuance of this resolution, without any expulsion, M. Mondelet, on his accepting a mere honorary office, was declared to have vacated his seat, and the Government was required to consent to the issuing of a new writ. The reply of the Government to that application necessarily was—"If you had said we will expel M. Mondelet if he accepts this office, then the writ must have been issued; but if one branch of the legislature is to be allowed in this manner, by a simple resolution, to assume the powers of the whole, and to pass a law, there is an end of the whole form and system of the Canadian constitution." This may appear a mere techincal difference, but it is in effect, one of the utmost importance, and which it is most necessary that the Government should observe.

I am afraid I have wearied the House by this explanation, but, although this subject may not excite much interest here, I know it will create a very great degree of interest in the colonies. I have therefore, thought it necessary to set the Honourable and Learned Gentleman right on a mere question of fact. Before I sit down, I hope I may be permitted to express my deep and heartfelt regret, that the affairs of Lower Canada should have come to the pass at which they have at present arrived: from the very first moment that I had the honour of a seat in this House, I have taken the deepest interest in the affairs of the province. When I sat on the other side of the House, I was one of those who, with my Right Honourable Friend below me, and in conjunction with the late Mr. Huskisson, did endeavour to oppose, and succeeded in fact in resisting, the measure which was suggested by Sir George Murray, with reference to the revenue of Lower Canada. He proposed, in giving over the revenue to the control of the Assembly, to deduct from it what I allow to have been a very moderate civil list. This proposal was resisted very strongly, and in particular by Mr. Huskisson, on the ground that it was highly impolitic at the time of making such a concession, to call upon the Assembly to acknowledge themselves to have been in the wrong through the whole of the past disputes, which would inevitably have been the effect of such a proceeding. Upon that ground the measure of Sir George Murray was resisted, and did not pass. In a subsequent Session I had the honour, as Under-Secretary for the Colonies, to introduce a Bill, by which the Crown gave up completely, and without reserve, its title to this disputed revenue, in the confident expectation that the Assembly would redeem the pledge which they had so repeatedly given, to the effect, that on that concession being made, they would provide permanently for the Govenor and judges of the province. With the transactions of the past year I am necessarily unacquainted. I do not know what has actually led to the circumstances which have since occurred. I do know, that even at the time when I left the Colonial Office, the aspect of affairs was most threatening, but I hope and trust that the result of the Committee now to be appointed may be to point out some amicable mode of settling this question; and, above all, I do hope that the two Honourable Members opposite, whose opinions, necessarily, have considerable weight in Lower Canada, will not, by the language which they hold in this House, aggravate these disputes, because I am sure they must perceive, that if the people of Lower Canada were induced to call in other assistance, which might not be withheld, they would, instead of avoiding the danger which they fear from the continuance of English Government, run considerable risk of

being treated much more harshly than by this country. I have, perhaps, trespassed for too long a time on the attention of the House; but I felt called upon to contradict some of the observations of the Honourable and Learned Member for Dublin; and the interest which I take in this question, would not allow me to refrain from expressing some of the opinions which I entertain with respect to it.

Mr. P. M. Stewart.—I rejoice that this question has been brought fairly before this House, and I for one, beg to return thanks to the Honourable Member for Bath, for introducing it; because, after the great achievement of this House in colonial affairs, last Session, it cannot but enter, with some feelings of confidence, on questions of colonial policy and colonial reform. I can assure the House, that the wish uppermost, in the breast of every good citizen of Canada is, that a full and fair discussion of all their grievances, real or alleged, should take place,—that the question should be settled by Parliament, and that tranquillity and peace should be ensured to these provinces, by which, alone, they can be preserved or rendered beneficial to this country. I am glad that the distinction has been justly drawn between the provinces of Upper and Lower Canada. I must confess I was astonished when I saw the notice of the Honourable Member for Bath, versed as he is by residence and descent in colonial affairs. I perceive, however, from his statement, which was entirely drawn from the affairs of Lower Canada, that we are to look to that province, and to determine, with reference to it, as to the remedies which ought to be applied. I dare say some Honourable Members will be started when I express my opinion, that the best thing that could happen would be the discovery of some means by which the provinces could be again joined together, and assimilated in feeling and interest. I trust, however, that this desirable event will take place at no distant period.

I agree in the proposition of my Right Honourable Friend, bold as it is with reference to the existence of an independent legislature, that we ought to assume the management of the revenues of Lower Canada: I concur in it because I think the necessity of the case justifies such a course of proceeding. When those revenues were made over, three years ago, there was a direct understanding, that a civil list should be —I believe permanently—voted; that stipulation has been disregarded. I believe that, with the exception of one instance out of three, no provision has been made for the support of the civil and judicial establishments. With regard to Upper Canada, however, the case is widely different; a permanent civil list was voted, and even if it were founded on principles of economy, which reduced it somewhat below the expectations of the Colonial Department here, still it was intended. I also rejoice to hear that we are to have a Committee of revision, to see how far the labours of the Committee of 1828 have been carried into effect: because, as far as I am acquainted with the recommendations of that Committee, I believe the greatest efforts have been made to realize to the citizens of Canada the full value of their suggestions. To that Committee. I believe, were referred the different petitions which were presented. There was one from Lower Canada signed by 10,000 individuals, praying, I think, for representation in the Assembly, the townships being then excluded, and praying also, for additional courts of law, and also for the representation of the legislative union between the two provinces, which is the only mode, in my mind, of conferring an undoubted benefit on both. I see that the Honourable and Learned Member for Dublin dissents from this opinion, but he is not in a condition to take a dispassionate view of the question: his mind is in training for another question of a similar description. When the Honourable and Learned Gentleman shall think that England and Ireland should be closely bound together for their mutual interest, then I will ask him to vote for the re-union of these provinces. There was a petition from Lower Canada signed by 87,000 individuals, containing general allegations of rights, and another from Upper Canada relating to clerical affairs and praying that the revenues set apart for the support of religion might be appropriated not only to clergymen of the Church of England, but to Protestant clergymen of every description. These are vital questions to our colonial fellow subjects. I am not aware how far their expectations have been realized, and I am, therefore, very happy to find that we are to have a Committee of revision, because it is very important to ascertain how far the wishes of the colonists have been complied with. There is one recommendation of the Committee which I cannot avoid adverting to, as bearing upon a subject which has lately engaged some portion of our attention, and which is likely to employ us still further—I allude to the Report of the Committee on the University of the King's College in Upper Canada. They state that the council of the college consists of a chancellor, a president, and seven professors, who must subscribe to the Thirty-nine Articles. The Report goes on to express regret that the institution should be so constituted as to diminish its utility, and to recommend that the professorships should be open to clergymen of the Church of Scotland, as well as that of England; and that, therefore, the religious tests at present required should be very materially altered. The last point to which the Report refers is the legislative union between the two provinces, the severance of which the committee state they are not prepared to recommend.

Several Honourable Members.—Question! Question! Question!

Mr. P. M. Stewart.—I am quite aware that I am trespassing on the time of the House; but I feel that I have an important duty to perform, and I am anxious to discharge it to the best of my ability. I have already stated my opinion boldly on this point, because I entertain a strong impression, derived from the opinions of those who are most likely to have formed a correct judgment on the question, that no remedy can be so effectual for the evils of Canada as the re-union of the two provinces. I need not refer to the evidence taken at the time of their separation in 1791, because I am persuaded that few Members will deny the power of this House to interfere.

When the subject came before Parliament in 1822, the late Sir James Mackintosh, entertaining a strong opinion on the subject of the separation, said he was particularly anxious that his opinion with regard to the power of Parliament should be distinctly understood. His own opinion was that such a power was inherent in Parliament by the law and Constitution of England, and that its exercise was perfectly consistent with their dignified and exalted position. What I, in conclusion, say is, that I would do nothing without consulting our fellow-subjects in Canada. From the opinions which I have been able to gather, I believe that the measure may well be effected with the consent of all those whose opi-

alone there are likely to be taken by this country, though not, perhaps, as easily as it might have been done in 1822; for then the people of Upper Canada left the Colonial Office to legislate for them as it pleased. I will just advert to a circumstance which occurred to me this morning. We have heard a great deal of the grievances of the Canadian colonies, and have read much concerning them. I am not disposed to underrate those grievances, but I think the manner in which they are put forward is characterized by a spirit of attack upon my Right Honourable Friend, the Secretary for the Colonies. In the last paper from Canada which was put into my hand this morning, I find a Mr. Vandillot, who seems to arrogate to himself the whole weight of debate in the House of Assembly, speaking thus of my Right Honourable Friend:—"Mr. Stanley is the staunch advocate of a monarchical government. In the time of the House of Stuart, those who maintained the monarchical power, lost their heads on the scaffold." Without venturing to trouble the House further, I beg just to observe that there is nothing which I would not do in order to re-unite the people of the Canadian colonies with this country, and with one another. In giving my assent to the appointment of a Committee, I should be deceiving the House if I did not express this to be my feeling:—give the people unity—sooner or later it must come,—give them unity, and with that give them peace and concord among themselves; for that is the only way to enable them to resist their enemies both at home and abroad, whose purpose is to weaken, and finally separate the connexion of our Canadian states with this country.

Mr. ROEBUCK.—I claim the indulgence of the House, while I endeavour to answer one or two observations which have fallen from the Right Honourable Secretary for the Colonies. He has charged the House of Assembly with not having passed an Act for granting a sum of money, according to the pledge they had given. Now, it was understood that the Judges were to be made independent of the Crown, in return for which the House of Assembly was to do certain acts. But what is the fact? The Judges remain still dependant on the Crown: the Government, therefore, have not fulfilled their pledge; and consequently, if there has been any breach of faith, it has been on the part of the Government, and not of the House of Assembly. The Right Honorable Gentleman says, that the Executive Council has been altered; but I protest against the statement of any such thing having taken place. The majority of the Council is still such as it was before. Now, the people of Canada are a sagacious people, and are not to be imposed upon by such pretences as those that are attempted to be passed upon them. They see that the Legislative Council is precisely the same as it was before the alteration was pretended to be made. So completely persuaded are the people of Lower Canada of that fact, that the minority of that branch of the Legislature there, have actually seceded from the House, because they feel that they are totally incapable of doing any good by attending it.

But there is one matter to which the Right Honorable Gentleman has alluded, upon which I omitted to make observations I intended to have submitted to the House in my first address. I had intended to refer to the difference in language and in religion which exists more particularly in Lower Canada: but I had intended to go into those matters in a very different manner from what the Right Honorable Gentleman has done. The persons who constitute the official body in Canada have endeavoured to create an English as opposed to a French party. It is they who, in order to strengthen their own hands, have endeavoured, in private as well as public life, in the Legislature, ay, and even in the Courts of Justice, to introduce this cause of jarring discord, of vulgar, and therefore of bitter animosity. The Judges have endeavoured to put down the use of the French language in the Courts of Justice, and have only been prevented doing so, because the indignation of the people would not suffer it to be done with impunity. Now, in a country composed of 500,000 French Canadians and of 70,000 English, it is somewhat too much to say that the English language, which is not understood by five-sixths of the population, shall be the only language used in the courts of justice. But here, Sir, in the discharge of a great duty, I solemnly charge the Executive Government, for the last twenty years, with disgracefully and corruptly endeavouring to create and perpetuate national discord and religious hatred among His Majesty's Canadian subjects, to serve their own private and paltry purposes. It is now seen and known that the French Canadians are one and all excluded from the society of the Chateau; every mark of degradation is cast upon them, and it is endeavoured to make them feel that they are, in all respects, an inferior class. The people have a right to feel and express their indignation at this attempt to degrade them, and they do feel and express it. It is the Executive, and the Executive alone, by whom this attempt is made.

The Right Hon. Gentleman says, that it is a feeling of prejudice which prevents the House of Assembly from passing certain acts; but does he not know that it is by the acts of the Executive that that feeling is produced? I know that preference is shewn by the Governor there to the English, and the members of the Protestant religion, while the most vexatious conduct is observed towards the French Canadians and the Catholics; and will any one say that nothing is done by the Executive to make the people jealous? They are jealous, and have a right to be so. For myself, I would not consent to surrender one iota of power I possessed, were I a Canadian, until I had obtained some assurance that my religion should not be made a matter of objection to me as a member of the state. But there is this curse attending all religious establishments. This country has tried to establish an English national church in the Canadas; while in Lower Canada the people are almost all Catholics, and in Upper Canada are nearly all Dissenters. The Government wish to set up a religion in Canada of which the people know nothing, and care nothing; or respecting which, if they have any feeling at all, it is in hostility towards it. I say, therefore, that the people have acted wisely in refusing to adopt the measures which have been proposed to them; and, until they have some assurance that no distinction shall exist on account of religion, I hope they will hold on in their opposition to such proposals. As to matters of finance, I beg to ask, whether the House of Assembly have not been refused those documents to which they have a right? They have been refused, and, what is more, they will be refused.

Mr. Secretary STANLEY.—No.

Mr. ROEBUCK—I am happy to hear the Right Honourable Gentleman say so. I hope all the documents relating to the colony will be tran-

subject to the House of Assembly; but, until that is done, the powers which have been given to the Colonial Legislatures by the Government will not be redeemed. One word with respect to the right of the people to control their own finances, and I shall have done. I find certain persons very ready to argue in favour of an abstract principles of right, but who are always making particular practical exceptions. The Right Honourable Gentleman admits the right of the people of Canada to control the finances of the country; but then he contends that there are certain revenues which belong to the Crown, over which the people have no right of control whatever. Now, I want to know what are those revenues? Are they not derived from the people? Is it not the money paid by the people? The Right Honourable Gentleman shakes his head: but I say that it is, and must be so. Can the Crown derive a revenue without labour, and the Crown has no productive labour? Call it a tax, call it revenue, or what you will, it is money paid by the people, and over which, therefore, they have an undoubted right of control. I beg leave, Sir, to withdraw my motion.

The amendment and original motion were then, by leave, withdrawn.

Mr. Secretary STANLEY.—I now move, Sir, that a Select Committee be appointed to inquire and report to this House, how far the grievances complained of in the year 1828, on the part of certain inhabitants of Lower Canada, have been redressed, and the recommendations of the Committee of this House which sat thereupon complied with on the part of His Majesty's Gov. ernment, and to inquire into the matter of any other grievances not then brought under the consideration of this House, but now set forth in resolutions of the House of Assembly of Lower Canada, in the present Session, and to report their opinions thereupon to the House.—The names which I have selected to form this Committee, include those of such Gentlemen, now Members of this House, as were Members of the Committee in 1828. They are, Mr. Secretary Stanley, Mr. Roebuck, Mr. Frankland Lewis, Mr. Williams Wynn, Mr. Evelyn Denison, Mr. Loch, Mr. Fazakerley, Lord Viscount Sandon, Mr. Labouchere, Sir James Graham, Mr. Goulburn, Lord Viscount Howick, Mr. Alexander Baring, Mr. Ellice, Mr. Hume, Mr. O'Connell, Mr. Robert Grant, Sir Matthew White Ridley, Mr. Bonham Carter, Sir Henry Hardinge, Mr. Henry Lytton Bulwer, Mr. Warre, Sir George Grey, Mr. Warburton, Mr. Patrick Stewart, Mr. Oliphant, Mr. Edward Stewart, and Mr. Romilly.

Mr. HUME.—I must beg that my name may be withdrawn. It is not for want of any good will towards the inquiry that I make this request; but as I am already on seven Committees, it will be impossible for me, if I be appointed, to attend this.

Mr. Secretary STANLEY.—Then I beg to substitute the name of Mr. Robinson for that of the Honourable Member for Middlesex.

The motion, as amended, was then agreed to, and power given to send for persons, papers, and records; five to be the quorum.

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